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THREE WEEKS' NOTICE AND THE OLD ADDRESS AS WELL AS THE NEW ARE REQUIRED FOR CHANGE OF SUBSCRIBER'S ADDRESS.

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BY REJECTING a Labor motion calling upon the government to summon an international conference on the distribution of raw materials, the Baldwin Cabinet has forfeited whatever moral prestige it retained after the disastrous Hoare-Laval fiasco. This action is particularly distressing because Sir Samuel Hoare's speech at Geneva in October had given the impression that Great Britain was prepared to discuss fundamentals. The issue runs even deeper than the question of access to raw materials. Sir Samuel's historic statement came as part of an inspiring plea for collective action against those who would take the law into their own hands. But if collective security is to have any permanence, it must involve something more than mere defense of the status quo. War cannot be eliminated unless some machinery is created for meeting the legitimate complaints of the "have-nots" among nations. As the most powerful of the "haves," Great Britain has a pivotal responsibility for such action, a responsibility which the present government is plainly unwilling to assume. The fact that the Conservatives, after a pre-election flirtation with collective security, have returned to straight imperialism, with reliance on ever-increasing armaments, gives Labor a golden opportunity with the ten million Britishers who voted to support the League in the peace poll.

MUNITIONS MAKERS, oil magnates, and Wall Street bankers will rejoice in the decision of Administration leaders to abandon permanent neutrality legislation at this session of Congress. The extension of the present resolution, even with amendments forbidding loans to belligerents and limiting the export of certain war materials, will leave the United States with very little more protection against war than existed in 1914. It will not only be possible for American business men to continue "normal" trade with the war-makers, but they may sell unlimited quantities of war materials, including arms and ammunition, through neutral countries. Continued insistence on the freedom of the seas will afford a constant source of friction in any conflict in which the British Empire is involved. The prohibition of loans to belligerents is of vital importance, but without other safeguards such a regulation is bound to break down as it did in 1916. What may prove to be even more serious, the failure of Congress to take decisive action has played into the hands of Mussolini. After a week's session the Oil Sanctions Committee of the League had reached the conclusion that an oil embargo, if supported by the United States, would bring Italy to its knees within six months, and was prepared to recommend such a step to the Council. Its position was quickly reversed, however, when it became apparent that the United States would make no attempt to curb its oil profiteers. The tremendous increase in our trade with Italy during December, despite the slowness with which collections are being made, indicates that certain of our business interests already have a considerable stake in an Italian victory. Can it be possible that they have more influence in Washington than the multitudes of men and women who desire peace?

THE INDICTMENT of four men and three companies for gun-running during the Chaco war reveals certain of the difficulties that must be faced in enforcing neutrality legislation. The government charges that in July, 1934, the Curtiss-Wright Export Corporation with the aid of the Barr Shipping Company smuggled fifteen machine-guns into Bolivia in violation of the Presidential arms-embargo proclamation. Later four airplanes were also sent to Bolivia, ostensibly as test planes for a new commercial line, but in reality as bombers which were to be fully equipped in Valparaiso. The machine-guns were obtained from the Colt Company after a false declaration of State Department authorization and a false bill of lading had been presented. Colt thereupon delivered the guns to Curtiss-Wright and they were hidden away in cases containing airplane parts. The bombers were flown to Bolivia, but the United States government grounded them in Peru and they never reached Bolivia; the machine-guns did. This is but one of about a dozen instances of alleged violation of the arms embargo during the Chaco war which the government is investigating. Two facts stand out challengingly in all this gun-running:

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the enforcement of the embargo through the Customs Office failed; and government prosecution lagged a year and a half after the offense. There is no reason whatever to hope that munitions control through the customs will ever succeed. Government inspectors may be found in meat-packing houses, in distilleries, in banks, and in other enterprises subject to official control. Why not place them also in the munitions factories and make it more difficult to evade embargoes?

ON SEVERAL OCCASIONS recently the New York *Times* has printed articles purporting to show that the Soviet Union is actively aiding Mussolini in his campaign against Ethiopia through the export of oil and other war materials. For example, on February 5, under the head "Huge Soviet Sales of Oil Help Italy," the *Times* spoke vaguely of a contract for "enormous oil supplies from Russia," the only confirming evidence being a guarded statement regarding the purchase of 400,000 barrels at Batum. In the absence of an oil sanction the Soviet Union, like all other oil-producing countries, has continued to trade with Italy. But as is the case with England there has apparently been a conscious effort to curtail all commercial transactions. For the first eleven months of 1935—the latest available figures—the total of Soviet exports to Italy were only 11,720,000 rubles as compared with 17,126,000 in the corresponding period of 1934, a decline of more than 30 per cent; while Soviet imports from Italy—which are more directly affected by existing sanctions—dropped more than 50 per cent. And what is more to the point, Soviet exports of oil for the eleven-month period were 199,381 tons in 1935 as against 569,453 tons in 1934, a decline of nearly 70 per cent. By way of contrast, American exports to Italy for the first eleven months of 1935 increased 8 per cent over 1934; our imports from Italy rose 5 per cent; and our sales of oil to Italian Africa jumped from $4,587 to $672,155, an increase of 14,600 per cent! Nor can the New York *Times* plead ignorance of these facts. The early editions of the *Times* of February 5 carried two paragraphs describing the decline in the sale of Soviet oil to Italy from 7,000,000 barrels in 1932 and 1933 to 1,350,000 barrels in the first ten months of 1935. But these two paragraphs with their subhead "Russian Exports Long Low" were dropped in the later editions of the paper, presumably because they were not "fit to print."

TWO DAYS before the Winter Olympics opened at Garmisch-Partenkirchen, the State Secretary of the German Propaganda Ministry gave a reception to several hundred journalists assembled to report the events. In a long political speech Secretary Funk scolded the correspondents for not telling the truth about Germany and offered trained guides who would present things in the proper light to foreign newspapermen. Moreover, he held up the German press as an example of what supreme public service might be expected of newspapers. Apparently taking this homily to heart, Frederick T. Birchall, reporting for the New York *Times*, describes the Winter Games as compounded almost entirely of sweetness and light. There is the greatest efficiency and courtesy everywhere; not the slightest evidence of religious, political, or racial prejudice is visible; "anti-Jewish signs have been removed from villages"; the *Stürmer* is being kept out of sight; and "a Jewish hockey player has even been drafted for the German team." This last evidence of German magnanimity is almost overwhelming. For the "Juden Hier Nicht Willkommen" signs can be put back again directly the games are over; but if a Jewish hockey player should shoot a goal for the Nazis, it would stand on the records permanently as an example of nasty Semitic internationalism.

GOVERNOR LEHMAN'S program of crime prevention and control has had a much better press than it deserves. The best thing that can be said about it is that it represents a vigorous and comprehensive attempt to deal with the entire problem of the administration of criminal justice. The sixty-odd bills cover prevention, capture, court procedure, problems of prison and parole, and procedure for inter-state extradition. They are designed mainly to close the loopholes in the law through which so many criminals escape from justice. Particularly controversial are the bills making compulsory the finger-printing of all persons arrested, permitting a judge to comment on evidence, making it possible for five-sixths of a jury to convict, and making the discovery of a gun in a car presumptive evidence of its illegal possession by all the persons in the vehicle except the driver. The intentions behind the program are clear. Like those who hold that the weaknesses of democracy can be cured by having more democracy, Governor Lehman and his advisers seem to feel that the inadequacy of law enforcement can be remedied by the simple process of having more law enforcement. Given such a point of view, it must be admitted that the program has been ably and ingeniously drawn. The juggernaut of law enforcement is to be driven irresistibly over every obstacle in its path. Undoubtedly the program will remedy many of the abuses of criminal justice which are now due to the sophistication of hardened criminals and their unscrupulous lawyers. But the resulting effectiveness of the bill has probably been overestimated, and the price that has to be paid for it has been underestimated.

THE PRICE OF JUSTICE in the case of Governor Lehman's program involves a possible surrender of long-cherished constitutional safeguards and civil liberties and a potential weighting of the scales against labor defendants. The finger-printing provisions are extended to include all misdemeanants and those charged with disorderly conduct; it is trade unionists who are charged with disorderly conduct more often than criminals. Anyone once convicted of disorderly conduct and again accused of a felony is, even if he is not convicted, to be refused the return of his finger-prints and other identifying material. This makes the acquisition of a police record dangerously easy, and a police record is no help to an active unionist. The provision about dangerous weapons in vehicles offers attractive possibilities for a frame-up. The five-sixths jury provision undermines the protection furnished hitherto by the phrase "reasonable doubt." To anyone who has had experience with labor cases before a New York court these possibilities are not phantoms but very real dangers. Governor Lehman's program is the most elaborate and articulated gesture of impatience at the lumbering processes of democratic justice that we have yet had. But to abandon constitutional liberties which have been won by the people over so many centuries of struggle is too high a price to pay for such a gesture. This is especially true in New

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York State, where the criminal code instead of being too lax is already notoriously severe. The problem of crime will not be solved by the blunderbuss methods of Grover Whalen or J. Edgar Hoover. There are two points at which it should be attacked which the Lehman program does not envisage. One is the corruption of the entire political structure which administers the law, especially the police and the magistrates' courts. The second is the soil of poverty, malnutrition, and slum conditions out of which crime grows.

TWENTY-FIVE STATES and thirty-eight local areas in various parts of the country lately supplied data for a survey conducted by the American Association of Social Workers to determine how much relief an unemployed person or family might hope to receive. In general the results showed that the abandonment of the FERA program left to local relief not only unemployables but a large number of persons able to work. Drastic reduction in relief budgets has followed; in many case medical care is being abandoned; many localities report themselves entirely unable to carry the relief load. Specific examples of particularly inadequate relief include Pensacola, Florida, which every two weeks allows relief budgets to cover all needs as follows: One or two persons, $1; families of three or four, $1.50; families of seven, eight, or nine, $3; families of more than nine, $3.50. Nebraska reported that the regular allowance for food was cut 37 per cent, with an average allowance of $7.50 a month for all types of relief. Dallas, Texas, reported all relief abolished "except in cases of permanent disability." Grand Rapids reported a reduction of 10 per cent in food budgets and cash relief allowances; "if reduced any farther they will enter the danger zone." Texas declared that a constitutional amendment would be necessary to increase relief appropriations. The Florida constitution prevents the state from appropriating funds for direct relief. These facts and figures give some idea of what will happen to more and more of the unemployed if the federal government does not reassume the relief burden.

THE GRASS GROWS GREEN again over the deepest fissure so far made in the solid Democratic South. The bitter fight between Administration Democrats and Huey Long Democrats has ended in a truce. Its terms are a last tribute to the Kingfish; its practical effect of making Louisiana safe for Roosevelt must have caused a thin blue curl of profane smoke to rise from Huey's grave. In return for guaranteed delivery of Louisiana's twenty delegates, the Long machine was able to enforce stiff terms. The income-tax indictments pending against Seymour Weiss, former treasurer of Long's machine, will be quashed; Long's inheritors will be allowed access to the rich table of federal patronage—Representative Paul Maloney was recently consulted regarding his choice for postmaster at Gretna, Louisiana; Frank H. Peterman, a Farley man, has resigned as WPA director for Louisiana, opening the way to the Long machine for a share of control over federal funds. The decision to let Huey's heirs keep Louisiana until the crucial moment when Roosevelt should need it came, to be sure, only after the Administration had made a heroic but unsuccessful attempt to defeat the Long machine. The recent primary, in spite of the fact that federal relief suddenly grew more bounteous and widespread, resulted in an overwhelming victory for Long's forces. Aside from conceding Louisiana's delegation to Roosevelt, the Long machine made one minor sacrifice. The Reverend Gerald K. Smith, who as head revivalist of that old-time religion, Share Our Wealth, controlled the swamp and Spanish-moss vote in Huey's kingdom, has been ordered to pipe down. He has already offered his services to Brother Talmadge.

THE FEDERAL COURT in Minneapolis which censured Governor Olson, Mayor Latimer, and the National Guard took extraordinary action to meet an extraordinary situation. It is not often that the state militia in its determination to maintain law and order closes a plant on strike, although that would prevent nine "labor riots" out of ten. Instead, the military usually helps strike-breakers run the picket line to the accompaniment of tear-gas bombs and clubs. In Minneapolis the labor movement, headed by the famous Local 574, wields genuine power. It exercises, in other words, an influence which has some relation to labor's contribution to the community. Governor Olson, even if he were not sympathetic to labor, would not dare to turn the National Guard on labor's picket lines as it is turned in most states. The tone of the federal court's edict leaves no doubt where its sympathies lie. "To say that because lawful use of property will incite lawless persons [workers on strike] to commit crime and destroy life and property such lawful use must be suppressed is to say that the will of the mob [workers on strike] and not the Constitution of the United States is to become the law of the land." As Governor Olson pointed out, the court's criticism of himself "would have been accomplished with more finesse if coupled with it there had been a gentle, courteous, and decorous hint to the plaintiffs [the employers] respecting arbitration." The decision will probably be seized upon by other employers and employer-minded courts. And it serves as a sign of what may be expected whenever labor begins to approximate the power blocked out for it, say, in the Wagner Labor Relations Act.

MEANWHILE IN PEKIN, Illinois, the general strike, which in most cases has been turned into a weapon against the workers who resorted to it, seems to have won a moderate victory for labor. According to newspaper dispatches, the American Distilling Company, where the strike began, acceded to "almost all" of the workers' demands. Here again the state militia played a crucial role. Governor Horner's refusal to order troops into Pekin probably threw the victory to the workers. The Pekin Trade and Labor Assembly did not, however, force the resignation of Chief of Police Harry Donahue for giving help to strike-breakers. A busload of scabs were protected by a detail of deputies and police who threw tear and stench bombs into the picket line. Chief Donahue distinguished himself further by repeating the old formula: "What this town needs is a vigilante committee of 100 tough citizens." There is no doubt that if they had been on hand the general strike would have been violent where it was peaceful and "riots" would have helped to break it. Instead, the two-day tie-up (the Chicago *Tribune* called it "mob rule in the saddle") was complete and bloodless; it ended with a settlement that seems acceptable to labor. We may be sure that Chief Donahue and his friends among the "tough citizens" will do their best to see that this does not happen again in Pekin.

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Lewis—for Better or Worse

WITH a showmanship worthy of P. T. Barnum, John L. Lewis took over the leadership of the American labor movement on February 3. The setting was the nation's capital—the United Mine Workers, whose home is Indianapolis, held their convention in Washington for the first time; and the ceremony of investiture, personally conducted by Lewis, was as dramatic as any power-hungry leader, or any front-page editor, could wish. The audience, composed of some 1,800 delegates from the largest union in the American Federation of Labor, was for the most part in the hands of Lewis, who drew forth roaring cheers, rising votes, and hostile boos as he desired. In contrast to the sun-dried Miami meeting of the Executive Council of the A. F. of L., to whose querulous ultimatum it was an answer, the miners' convention was a rich and lively manifestation of mass strength pushing toward genuine power in national affairs. No wonder William F. Green, though he made a passionate and able speech in an attempt to persuade his fellow-miners that their first allegiance was to the A. F. of L., should have appeared futile and outworn beside the confident Lewis, who brought the meeting to a climax when, having won the support of the delegates, he crumpled in his fist the sheet bearing the dissolution order of the Executive Council, and said, "President Green, you have received your answer!"

Returning to reality, it must be said that Lewis's battle with the Executive Council is not yet over. Though he has a mandate from the U. M. W. to take the union out of the federation if necessary, he will make a strong effort to avoid the final break, and it is even possible that by forcing the Executive Council to a compromise he will himself accept something less than complete victory. But there is little doubt that he will be the leader, however the labor movement develops. He has already shouldered out Green, in the public mind and in administration circles. As for his Committee for Industrial Organization, it has started a wildfire of resolutions of support extending from Edmonton, Alberta, to Pea Ridge, Alabama. In this connection, it is illuminating to record that when John Lewis spoke recently in Cleveland he drew an audience of 7,000, while John P. Frey, dominant figure in the Metal Trades Section of the A. F. of L., who had preceded Lewis, drew a paltry 500.

The miners' convention, closely examined, offers indications as reliable as can be found of the quality and direction of the leadership Lewis will provide and of the motives which animate him. The personal magnetism of the born leader and his intuitive knowledge of the avenues to popular support were never better displayed than at the Washington meeting. But there were also laid bare, in unmistakable terms, the strong man's proclivity—and his disturbing talent—for dictatorship and his predilection not only for power but for its least romantic perquisites. The history of Lewis's rise to supremacy in the miners' union is the history of a series of seizures of power as well as of hard-boiled and completely fearless conquests by means of the strike, when Lewis was forced to that way of bringing operators to his terms. There are strong voices to say even that Lewis has not achieved for the miners benefits at all commensurate with his power. The charge undoubtedly has truth in it; the trouble is that its final proof or disproof is made impossible by the fact that Lewis has been operating in a steadily declining industry.

The bid for autonomy in the seventeen provisional districts was an attempt not to oppose Lewis but to have a hand in directing his course. It failed. An interesting question is raised by the doubling of official salaries. It is not clear whether its subsequent rejection was a deliberate gesture of renunciation or a yielding to critical pressure. Will Lewis stop short of his announced goal of organizing 30,000,000 workers if it appears likely that their sheer mass pressure will threaten his supremacy? The answer at the moment seems to be that Lewis's conception of power is a very ambitious one—he would not, for instance, be satisfied with the kind of limited position that Green has occupied in national affairs. That being so, he is intelligent enough to know that he will have to make more concessions to his new followers than he has ever made to the miners.

It seems certain that the influx of millions of workers into the labor movement would mean a stronger and stronger pressure for democratic control and that it would also mean a pressure toward the left. Whether Lewis will be big enough and strong enough to satisfy these new elements and still retain leadership is a problem whose working out will make the next few years of labor development highly interesting as well as crucial. As to his relation to radicalism, that can at least be guessed at. Miners, if only because of their occupation, are traditionally radical—though it is a radicalism having more to do with their daily contact with death and disaster than with revolutionary theory. Lewis is a miner and the son of a British miner. Radicalism is not for him a bearded monster under the bed. It is a force to be reckoned with in realistic terms. Certainly he will not indulge in anything resembling a red-hunt in the trade-union movement. This does not mean that he will ever play with the Socialist or Communist parties as such. It does mean that he would support a labor party if he reached the point where political power was essential to his plans.

For the present Mr. Lewis has indorsed Roosevelt in a passionate speech as the most humanitarian of Presidents, and the United Mine Workers have taken the unprecedented action of voting to contribute to the Democratic campaign fund. It is surely an irony that the most promising militant leader of the American labor movement should as late as 1936 express such support of one of the old parties. But there are extenuating circumstances. Not long ago Lewis was a Republican. He is not now an unquestioning Democrat despite his support of Roosevelt. Under the New Deal he commands a position which he, least of all, could be expected to repudiate for idealistic reasons. He is not one to sacrifice the favor of the party in power in order to start a movement which could not possibly have any strength for several years at least. When the labor movement has become under his generalship a genuine force, he may be expected to turn it to political ends.

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The Budget in Chaos

AMERICAN government finances have never been more chaotic than at the present moment. This is not, of course, due entirely or even principally to the prodigality of the present Administration. The Supreme Court's invalidation of the AAA processing taxes subtracted $547,000,000 from the estimated receipts and returned an additional $200,000,000 of impounded taxes, and the passage of the bonus over the President's veto inopportunely added $2,249,000,000 to the government's burden. The possibilities of economy are definitely limited. With more than 11,000,000 persons still unemployed, relief expenditures cannot be curtailed; nor is there any possibility of a drastic cut in the subsidies to agriculture. Under such circumstances any government, Republican, Democratic, or Farmer-Labor, would be faced with a serious financial crisis.

But the issue has been so clouded by partisanship and misrepresentation that it is difficult to see the true state of the federal budget. As a result the public has been led to believe the situation to be more desperate than it actually is. Early in January, when President Roosevelt presented his budget estimates for the 1936-37 fiscal year, there was an indicated deficit of only $418,000,000. To this must be added $2,000,000,000, which Secretary Morgenthau estimates will be needed for relief in addition to the amount specified in the budget, $500,000,000 for the farmers, $200,000,000 to replace the impounded AAA taxes returned to the processors, and approximately $200,000,000 to cover the cost of amortizing the bonus. If no further taxes were levied and no economies effected, this would leave a deficit, excluding all allowances for debt retirement, of approximately $3,300,000,000, which compares not unfavorably with this year's estimated deficit of $2,682,000,000 or last year's shortage of $3,002,000,000. Although this would carry the federal debt to approximately $36,000,000,000 in 1937, the actual burden of interest would probably not be more than 20 per cent higher than in 1929.

Rumors have been flying thick and fast about the means the Administration will adopt to reduce the deficit to a manageable amount. But at the time of writing nothing very tangible has been suggested, apart from the reimposition of general taxes on the processing of farm products to replace those invalidated by the Supreme Court. The Administration's indecision is perhaps understandable on political grounds. Neither economies nor increased taxes can be put through without injury to some portion of the voting public. Nevertheless, something must be done, if only to offset the Republicans' charge of extravagance. The fact that the present Administration had little to do with some of the main items which have unbalanced the budget will not be considered by the average voter in November. President Roosevelt's action in canceling a billion dollars in unused lending authorizations is a gesture toward economy, but it has no effect on the budget. The Treasury is apparently still looking for a tax which the people will pay without knowing it. Since such taxes almost invariably fall on the general consumer, they are perhaps the least desirable of all.

The inability of the Administration to formulate a consistent fiscal policy is dangerous chiefly because it presents an invitation to pressure groups to launch new raids on the Treasury. Billions of the taxpayers' dollars have been handed out to organized groups merely because the Administration was unable to present Congress with a carefully worked-out program. Nearly half a billion, for example, has been squandered on the silver interests to no purpose whatever. Munition and armament manufacturers are obtaining in 1936-37 approximately $400,000,000 more than the huge sums allotted to them in the 1935 fiscal year. Having seen these groups plunder the Treasury, is it any wonder that the veterans, potato growers, and coal operators should have demanded and obtained a hand-out? The tragedy is that once the money has been distributed to these pressure groups there is none left for such socially necessary projects as slum clearance, social security, or adequate public-health activities. We hear much today about the threat of inflation, which would be catastrophic in its effect on both the working and white-collar classes, but there is an equally great danger that the present Republican-inspired mania for economy will lead to a recurrence of deflation and depression. A truly efficient government might be compelled to spend vastly more than has been spent in the last three years, but it would pay for these expenditures by taxing the hoard of capital which is still accumulating, idle, in the vaults of our great banks.

Morgan, Theorist of the Leisure Class

THE inquiry into the House of Morgan has come and gone, and for those who doubted that it would turn up anything of value it has yielded finally a theory and a definition. Both were contributed by Mr. Morgan himself, and both referred to the leisure class. The theory was that the leisure class is the basis of civilization. The definition, added at the request of reporters after the formal hearing, and evidently in the nature of a reconsidered judgment, was that the leisure class was "all who can afford to hire a maid."

That meant, Mr. Morgan added, "perhaps thirty million families." The estimate seems overgenerous. It would include every family alive in the country today, and a few dead ones as well. Actually, there are 3,438,000 women engaged in domestic and personal service, of whom slightly more than a third are household servants. Even if you spread them out one to a family, that means not much over a million families who have been able to hire a maid.

But even if Mr. Morgan is a confused statistician, he got a good press as a social theorist. He deserved it richly. Americans have been treated to discussions of the leisure class by radicals and sociologists, but the men of wealth themselves have been chary of discussing it. It will be recalled that the last important American contribution to the theory of the leisure class was by Thorstein Veblen, who wrote an acid book on the subject. But Veblen, being a professor and a son of the soil, was an outsider. The Morgans are different. The elder Morgan was something of a mathematician in his own right, and as a patron and connoisseur of the arts he followed the tradition of the merchant princes of the Renaissance. The leanings of the present Morgan, if we

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can judge from the Nye committee record, seem to be toward a social philosophy of the leisure class. It was a subject he was certain to illumine and adorn. After all, he ought to know.

"If you destroy the leisure class," Mr. Morgan warned the Nye committee, "you destroy civilization. Civilizations have died before, but they always come back. How great the danger would be I've never been able to decide." These speculations on history have a sweep and a scope that furnish a welcome contrast to Henry Ford's now historic conviction that history is bunk. Like Spengler and other German philosophers, Mr. Morgan has a cyclical theory of history. Like them also he considers a leisure class the carriers of civilization instead of—following Veblen—its parasite. In fact, in its ultimate terms, Mr. Morgan's theory is not necessarily pessimistic. Those who are concerned about the prospect for our generation will be consoled when they remember Mr. Morgan's certainty that civilizations come back. That should help us to confront the forces that are leading to war and barbarism.

But however optimistic for civilization, Mr. Morgan fears for the leisure class itself. What is the nature of his fears? How will the leisure class be destroyed? Not by war, surely, since it is predominately the common man who fights the wars and gets destroyed by them. Not by the blight of depression and inflation that follow a war, for those bear more heavily on workers than on the leisure class. Not by revolution, surely. Mr. Morgan was talking to the committee about taxes. His fear was that the leisure class would be destroyed by taxation, and in order to save the leisure class and civilization as well he was advocating that the costs of war be shifted to the lower-income groups.

This makes us more certain than ever that the leisure class that Mr. Morgan had in mind was not the "family of five" with one maid. It was the class that has to bear the burden of the excess-profits tax in war. The heaven of theory is never very far from the earth of economic interest.

The Gustloff Affair

So far the assassination of the Swiss Nazi leader William Gustloff has not had the dire consequences for Jews in the Reich which were generally expected. Nevertheless, it is difficult to believe that Berlin will be content to leave retribution for this ill-considered and ineffectual deed entirely in the hands of the Swiss authorities. For the present the Winter Olympics, which began in Garmisch-Partenkirchen on February 7, make it advisable for the Reich government to observe the strictest decorum in its treatment of the Jews. But one can read between the lines of an announcement that memorials will be held for Gustloff after February 16, the end of the Winter Olympics.

Dr. Gustloff was little known beyond the borders of Switzerland, where he was a notorious figure. He went there in 1932, sent by Hitler just before he became Chancellor. Prior to that time National Socialism had been a strictly German affair to the Swiss people. It was Gustloff who organized the first Nazi groups in Switzerland, and who later was instrumental in uniting all nationalist and reactionary political groups with his Nazi followers into a "National Front." The growth of the *Fronten* movement brought almost immediate unrest and disturbance into the placidity of Swiss politics. The rise of German National Socialism, the brutal force of its coordination of all public and private life in the Reich, its destruction of trade unions and political parties, and above all its emphasis on the German nationalist idea reverberated wherever German-speaking Swiss congregated.

What followed was a repetition of the last years of German National Socialism before Hitler's accession to power. Social Democratic editors and trade-union leaders in Zurich and Berne were attacked and beaten, and several assassinations were attempted. In the colleges and universities teachers who were members of the Gustloff organization spread anti-Semitic views. A reign of political terrorism reached such dimensions that police headquarters in Zurich were forced to issue a warning on February 1, 1934, "to political terrorists who tried to intimidate witnesses called by the police to testify in a number of bomb explosions." Shortly before, Grau, the Social Democratic editor of the *Volksrecht,* and his family had narrowly escaped death in a bomb attack. The rise of the Swiss Nazis was coincident with the growth of rowdyism in national politics.

What aroused the particular resentment of anti-Nazi elements was the fact that the National Socialists made no secret of their belief that Switzerland must, sooner or later, become a part of the great German empire. Indeed, since Herr Gustloff bore the title of Leader of the Nazi District of Switzerland, it appeared that National Socialists already regarded Switzerland as a part of the Reich. Carrying out the idea of its Austrian and Russian legions, the German National Socialist Party in Berlin created the Bund National-Sozialistischer Eidgenossen, a league of uniformed Swiss Nazis living in Germany, with the help of which the Swiss S. A. was organized to "come to the assistance of the Germans in Switzerland in the hour of liberation." When this legion was founded in Berlin, Dr. Morganti, its organizer, declared that Switzerland was sorely in need of a government upheaval. He referred to the Swiss constitution as a citadel of Freemasonry and called the National Council a college of seven Freemasons. The land, he declared, must be freed from the corrupting influence of the Jews.

The presence of Fascist Italy on the borders of Switzerland had never had any influence on Swiss national affairs until after this development. But with the growth of the Nazi forces Mussolini's followers in the non-German cantons began to take notice. The Italians in Canton Tessin inaugurated an energetic secessionist campaign, and French nationalists likewise began to take a more active interest in political affairs. All this did not contribute to the tranquillity of the tri-lingual republic. The bourgeois parties, which were at first inclined to lend a sympathetic ear to the demands of the *Fronten* movement, began to realize that the emphasis on national and racial differences would sooner or later endanger the existence of the state. The old Conservative Party was the first to sever its connections, and the *Fronten* movement lost heavily in all cantons in the last elections. As a matter of fact, National Socialism as imported from Germany has already ceased to be an active menace in Swiss politics. Dr. Gustloff, having lived through the rise and decline of the Swiss Nazi movement, now follows it into a grave of its own making.

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Issues and Men

Politics and Friendships

AL SMITH'S bitter and unjust attack upon President Roosevelt doubtless ends what was once a beautiful friendship. If one recalls the famous Madison Square Garden convention in 1924 there arises at once the picture of Franklin Roosevelt, lately recovered from his illness, achieving a new height as a speaker in his "Happy Warrior" address in behalf of Al Smith. It made many besides myself then wonder whether Mr. Roosevelt, were he a bit older and more firmly reestablished in health, might not be the compromise candidate instead of Newton D. Baker or John W. Davis. Certainly it would seem as if the obligations under which Franklin Roosevelt placed Al Smith at that time might have barred a man with finer feelings from ever criticizing the man who so gallantly championed him.

But the history of politics teems with similar instances of broken friendships which have profoundly affected political currents. Henry Pringle has just reviewed at length for the Dictionary of American Biography the famous quarrel between Theodore Roosevelt and William H. Taft, which resulted in the Republican split in 1912, the election of Wilson to the Presidency, and all the national and international consequences thereof. He finds that there was no one cause for it, no break over any particular act of Mr. Taft's, but a general drifting into active antagonism because of differing points of view. This is, I think, the true explanation. I remember that one of Mr. Taft's private secretaries asked me very earnestly before Mr. Roosevelt returned from his European visits whether I believed it possible that he would break with Mr. Taft. When I replied that I was sure that he would, the secretary remained incredulous. It was not possible; it could not be. It would be an inexcusable betrayal of man and party. None the less, the break did come. Hurt as he was, however, Mr. Taft never descended to a personal attack and exercised exemplary restraint.

The parting of the two men was not only a matter of diverging philosophies and temperaments and political programs. It grew in considerable measure out of Theodore Roosevelt's fatal mistake in choosing his successor, and Taft's in allowing himself to be chosen and forced on the party. That immediately created an impossible situation, especially with Theodore Roosevelt's personality. He could not forget what he had done for Taft; consciously or unconsciously, it made him feel not only that the new President was bound in honor to walk precisely in his footsteps, but that any divergence constituted treason and disloyalty. Had he not made him both Secretary of War and President? There is where the mischief was done. When one of two friends accepts a tremendous favor from the other, a deadly blow may be struck at the edifice of their friendship. Precisely this element entered into the Smith-Roosevelt relationship. Al Smith cannot forget that it was he and no one else who gave Franklin Roosevelt his opportunity to reenter public life when he drafted him to run for Governor. As I have pointed out elsewhere, under the Tammany code this should have made Franklin Al's faithful vassal from then on, with no right whatever to put himself ahead of his benefactor. Al Smith today does not consider that he has been disloyal to a friend in his latest attack. For he feels with every fiber of his being that Franklin Roosevelt betrayed him first—at Chicago in 1932 by taking the nomination himself. There, Al would say, was where the break took place, for he feels sure that the "breach of faith" alone kept him out of the Presidency—he is certain any Democrat, Catholic or otherwise, could have been elected when Roosevelt was.

It would be, of course, wrong to lay down the law that friendships must always be kept intact at the expense of political principles, or the welfare of the nation. No matter how close the tie between two men, it is bound to give way before a conflict on pure principle. The difficulty is that in these political friendships it is so hard to keep the question of personal success or prestige out of the motives influencing the break. But no one can expect silence on the part of a friend when the other has done what appears to be a wrong and unworthy act. Gladstone had warmly cooperated with Charles Parnell for years to bring about Home Rule in Ireland. When the news came that Parnell had been made co-respondent in the O'Shea divorce case, Gladstone at first wanted to keep out of the whole matter. "What!" he cried, "because a man is what is called leader of a party, does that constitute him a censor and a judge of faith and morals? I will not accept it. It would make life intolerable." But he soon found that he could not maintain that attitude. He would not or could not defy the rising public protest in religious and social circles because Parnell had committed the sin of being found out. Historians and playwrights differ about his subsequent policy and the sincerity of it. But Parnell was forced out, to die within a couple of years, and the cause of Home Rule was put back for nearly a third of a century. The suspicion remains that at heart Gladstone was glad to see Parnell disappear. They were of course not intimate friends, but they had been pulling together for something that was profoundly needed, as history has since shown, and the resultant years of delay cost both England and Ireland dear in ill-will, disorder, destruction, and death.

It now remains to be seen whether Al Smith, in the hate and bitterness which corrode his soul to such a degree as to make him reverse himself in his political thinking and political associations, will foment a third ticket like the Bull Moose Party in order thus to insure Roosevelt's defeat, if possible, by drawing off a sufficient number of Democrats. It would be a pitiful spectacle, if only because it would make Al continue to stultify himself, and might result in the election of a completely reactionary President opposed to all the things that Al stood for until the break at Chicago in 1932.

Oswald Garrison Villard

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Poor old Constitution! How can she get rid of all her protectors?

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The Riddle of the Supreme Court

II. The Lawless Supreme Court

By MAX LERNER

NOTHING is clearer in Washington today than that the Supreme Court justices are at sixes and threes. The personal tension among them is no mere accident of individual temperament or will. One of the marks of constitutional crisis is the sharpening of differences on the court.

During the preliminary skirmishes on the New Deal legislation the court seemed to fall into three loose groups. The most cohesive was that of the four "diehard" conservatives—Justice Van Devanter, Justice McReynolds, Justice Sutherland, Justice Butler. At the opposite extreme were the three "liberals"—Justice Brandeis, Justice Stone, and Justice Cardozo. That left a "balance-of-power" group of two—Chief Justice Hughes and Justice Roberts. It was these two who by their vacillations sent the judicial fever-chart of the New Deal careening from high to low. As the sense of economic panic decreased and the political tension increased, the three groups became two. The bitterness of the diehard judges reached such a pitch that they became completely indistinguishable from Liberty Leaguers. The liberals suspended whatever differences of economic philosophy they had, and even grew critical of the inherent abuses of the judicial power itself. The balance-of-power pair, after a somewhat indecent flirtation with the liberals in the Minnesota moratorium case and the Nebbia milk-control case, were finally forced to make a definite choice. They could not continue to commute between two worlds. Nor could they, when the heavens were falling, merely stand aloof and murmur, "A plague on both your houses." Whatever may have been their previous constitutional waverings, they threw in their lot with the diehards and chose the side of the intrenched order. The Supreme Court is now two armed camps confronting each other.

To the believers in the judicial power, this is of course distressing. It is not so much that the court fails to present the serried ranks of a united front. Since the days when John Marshall held the court under his hypnotic sway, no united front has been possible except sporadically. What is distressing is that a persistent series of six-to-three decisions will weaken the prestige of the court. When justices divide with a monotonous uniformity, even the hardened believer in divine right may feel that the Constitution is curiously unclear for so compelling a document.

When the crisis was most desperate it seemed for a time that the court might join the colors in the war against the depression. Among the brilliant young lawyers who flocked to Washington there was an amazingly sanguine view that the New Deal would prove constitutional. It seems surprising now that anyone should ever have thought we could have a drastic dislocation of our economic life, with all the desperate efforts at economic control that it entailed, without having a constitutional dislocation as well. With the advantage of hindsight we glimpse today what the relation of the Supreme Court is to capitalist crisis. At the period of greatest panic and despair the court is likely to sanction heroic remedies. Enough liberals and balance-of-power judges can be mustered who have the wisdom to see that capitalist survival would be impossible without a summary use of the federal power. But it is only when the economic crisis itself has eased, and business enterprise has recovered from its mortal anguish, that the real constitutional crisis comes. The old taboos against government control are reasserted. The court seeks to prevent the country from making the new measures of control permanent, and so from paying too high a price for survival. The liberals on the court find themselves isolated. The balance-of-power judges find it is no longer necessary to be liberal. The conservatives give every indication that in them is the grace confessed.

To trace the career of the New Deal in the court is to describe the rise and fall of a felt need. In 1933, before the New Deal legislation was passed, Chief Justice Hughes speaking for the court took judicial notice of the depression. That was in the Appalachian coal case. In the Minnesota mortgage-moratorium case, in January, 1934, Justice Hughes read a five-to-four decision upholding the government. In March the same court majority, speaking now through Justice Roberts in the Nebbia case, upheld price-fixing by the New York State milk-control board. The Panama (hot-oil) case represented the first break. But the case turned on delegation of powers and administrative carelessness rather than on the substance of the legislation; and the next cases—the gold-clause cases—reassured those who had grown anxious. There Chief Justice Hughes seemed to go out of his way in unusually tortuous reasoning to save the financial stability of the government and uphold its contentions. This augured well, and Justice McReynolds's dramatic outburst in the courtroom, when he warned that the Constitution had been scrapped, seemed merely to be an elegy over an order that was dead. It was then that the really ominous decision came—the five-to-four opinion against the government, read by Roberts in the railroad-retirement case. This opinion, when compared with Justice Roberts's earlier Nebbia opinion, measured the judicial crack-up of the New Deal. After that, of course, came the Schechter brothers, the Hoosac mills, the rice processors' case, and a brood that threatens to lengthen out into the future.

There is a measure of truth in the contention that if the crucial New Deal measures—NRA and AAA—had come before the court sooner, they would have fared differently. The timing was undoubtedly bad, and time was the heart of the matter. And yet the President had able lawyers among his advisers, some of whom may have felt, along with General Johnson, that the NRA should be given time to become an effectively functioning mechanism before

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it ran the court gauntlet. Meanwhile, however, the crisis tension was passing. If the cases had been pushed earlier they might have been validated. If they had been declared unconstitutional early enough President Roosevelt would have had behind him a vast force of opinion for any attack he might make on the judicial power.

Such reasoning, however, does not go far enough. When the economic tension was finally eased, the court would have found little difficulty in retracing its steps. The crux of the constitutional impasse today is that any permanent extension of the federal power would be regarded by concentrated wealth as a decisive threat to its dominance. The constitutional crisis might have been delayed; it could scarcely have been eliminated.

The overwhelming issue today is whether we shall have a power in the federal government that can meet and cope with the concentration of economic power in our society.

This question really involves something like a three-ring circus. It involves first what we may call *the area of economic activity,* which has moved from independent farming and petty trade to the scale of the giant corporation. It involves, secondly, *the area of government control* of that economic activity. It involves, finally, *the area of judicial tolerance*—the extent to which the Supreme Court will allow government control. While the first is part of the inevitable sweep of the machine process, and the second has responded to waves of democratic feeling, the last is unlimited except as it may limit itself. In the now famous words of Justice Hughes, spoken while he was still Governor of New York and therefore relatively irresponsible, "We are under a Constitution, but the Constitution is what the judges say it is."

What has happened since the eighties is that government control on the plane of state units has grown increasingly irrelevant. While the court has through most of its history been intolerant of state control, and fought it especially through the doctrine of due process of law, Justices Holmes and Brandeis succeeded in developing a persuasive philosophy of judicial toleration. Holmes was for allowing experiments in "the insulated chambers of the states." Brandeis was for giving the decisive weight to the legislative history of an act and the social context in which it was placed. But such philosophies are now less applicable. We have an economic system that can be run successfully or curbed effectively only on a national plane.

We must face the fact that the area of government control today must coincide with the area of economic activity. Since one is on a national scale, so must the other be. Industry is not contained within state lines. Mining, manufacturing, transportation, communication, labor, finance —all constitute an unbroken industrial chain flung out over a national market. Moreover, industry not only operates on a national scale, but its power is national in its magnitude and concentration. And when our economic system breaks down, it can be restored only by governmental action on a national scale. In fact, whether the economic system is functioning or threatening or in collapse, the states as the principal regulatory agencies are now anachronisms.

Can we achieve genuine control on the plane of the federal power? The answer that the court is spelling out, in one grim decision after another, increasingly dooms the federal power. But there is something even more important than to grasp the answer—and that is to grasp the fact that it is not the only possible answer the court could give. "That is not law," said a trial judge to Daniel Webster. "It *was* until you spoke, Your Honor," answered Webster. Each time that the Supreme Court has spoken since Justice Roberts's fatal decision in the railroad-retirement case, something that had been law ceased to be law. Each time some path that might have led toward an adequate federal power was blocked or hopelessly rutted. When Justice Holmes once stated that "hard cases make bad law" he was looking ahead into 1935 and 1936 with amazing clairvoyance. The general run of cases that come before the court are fairly clear. They involve usually the extension of an old rule to a new instance. They do not involve lengthy opinions, bitter dissents, personal tension among the justices, counsel on the point of collapse, and an agitated country. The New Deal cases have been "hard cases"—where novel issues are raised, or where the familiar issues are pushed so far that they seem to change their character.

The New Dealers relied on three Congressional grants of power in order to have the courts decide the "hard cases" in their favor. One is the power of Congress to regulate commerce, the second is its taxing power, the third (closely related to the second) is its spending power.

The commerce power was the one most relied on for vaulting into the heaven of federal control. There was a strong tradition of liberal interpretation of the commerce power, and it did not need much stretching to make it adequate for industrial control. The tendency toward a broad construction, as Professor Corwin has shown, became marked under the influence of Holmes and Taft, starting with the Swift case in 1905. The court had accepted the regulation of the meat-packing industry and of the grain-futures exchanges as coming within the scope of the commerce clause. The only real stumbling-block was Hammer *vs.* Dagenhart (1918), the first child-labor case, which held invalid a federal act forbidding the shipment of the products of child labor in interstate commerce. The court has, in interpreting the term "commerce," fluctuated between restricting it severely to physical transportation, and expanding it to mean anything essential to the functioning of the economic mechanism. In interpreting the term "regulate" it has at times restricted it to the Hamiltonian sense of fostering and aiding commerce, and at times ventured into the more militant sense of subjecting it to government restraint. Accordingly, when the court in the railway-retirement case and again in the Schechter NRA case adopted the narrow view of the commerce power, it was a deliberate choice of the less liberal among alternative lines of precedent.

When the commerce power had been blocked, the new white hopes became the taxing power (under the general-welfare clause) and the power of making appropriations. Both were clearly and deeply intrenched in American constitutional history—in the history of legislative practice and in that of judicial interpretation. To have overturned these powers directly would have meant a judicial revolution. The only real precedent that the government had reason to fear was the child-labor tax case (or the second child-labor case) in which, after the court in Hammer *vs.* Dagenhart had held an attempt to regulate child labor invalid under the com-

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merce power, Congress sought to accomplish the same regulation by imposing a tax on the products of child labor. As is well known, the court, when confronted by the problem of the taxing and spending powers in the Hoosac case, tried the flank attack. It studiously avoided passing directly upon the scope of the general-welfare clause or of the spending power. It insisted that the purpose of the act was the federal regulation of agriculture, that under the Tenth Amendment this was reserved to the states, and that Congress could not assume such a regulatory function under the guise of taxing the processors or making appropriations for the farmers. While legally a loophole was left open for the use of the taxing and spending powers (if such a use refrains from being coercive), the practical effect of reasoning from the Tenth Amendment would seem to be a flat, clear, and positive judicial prohibition of attempts to use these powers for regulatory purposes.

I know that it is a paradox and also lèse majesté to speak of the Supreme Court as lawless. And yet, if the meaning of the word be properly understood, the conviction is overwhelming that the Supreme Court majority represents the most lawless force in American life today.

I can only list the counts in the most summary fashion. First, in economic terms, the present course of decision can only lead us to economic chaos. By denying the federal government the power to deal on a national plane with the problems of economic control, the court is doing more to weaken the American economic structure than all the allegedly subversive radical parties in the country. But it is accomplishing more than a blocking of the federal power in the name of states' rights. By a process familiar in our judicial history, which we may without loss of dignity call the "two-way stretch," it is also blocking the state power of economic control. The same session which saw the Hoosac decision saw also the decision in the Vermont income-tax case and the North Dakota tax-commission case. The result is to cripple both state and federal control, leave the public interest in a dark no man's land, and leave business enterprise itself at the mercy of the forces of collapse.

To economic chaos must be added administrative anarchy. It is not only that the Supreme Court's animus against legislative control is encouraging the lower federal courts to grant injunctions generously and give free rein to their inherent conservatism. Something even more serious is presented in the court's ruling in the rice millers' case. With a reckless disregard of administrative consequences, the court in effect placed a premium on refusal to pay taxes. Those who do not pay but seek injunctive relief may have their taxes impounded in court and eventually returned to them. This would effectively sabotage any administrative set-up, no matter how good.

More strictly within the judicial realm are two other matters. One relates to the court's cavalier treatment of established and fairly clear precedent, as pointed out earlier in the article. The other relates to the departure from the tradition of constitutional law which holds that if a case can be disposed of on narrow or procedural grounds, the larger issues ought not to be raised. If this tradition had been followed, much havoc might have been avoided in the interpretation of the commerce power. For some reason the court seems anxious to look ahead and pass on the large and impending constitutional issues. The result is a needlessly rapid and savage rate of legislative destruction.

Finally, there is a lawlessness involved in the court's being a law to itself. Justice Stone, in his brilliant Hoosac dissent, charged the majority with assuming an arbitrary and irresponsible power, subject to no restraint except their own self-restraint. In a supposedly democratic state, based on the separation of powers, this is the height of lawlessness.

[*This is the second of four articles on the Supreme Court. The third will appear in an early issue.*]

Washington Weekly

By PAUL W. WARD

Washington, February 9

JUST as the Caesars, riding in triumphal processions, needed slaves to whisper in their ears reminders of their mortality, so the President of the United States and his Congressional leaders need constantly to be reminded that the purpose of government is to further not merely their own but the public welfare. Just now such a whispering service is especially needed. Without it, as events of the last few days show, the Administration is hell-bent on accomplishing in this session of Congress nothing of merit—and much that is meretricious.

The purposes of government have been forgotten in the rush to get Congress out of town and keep the Presidential campaign free of solid issues. If the Administration has its way, Congress will go home in May after having done little more than pass the routine appropriation bills and enact an insubstantial and unplanned work-relief program for 1936-37. Under heavy Administration pressure all efforts at constitutional reform are being crushed. Under similar pressure the movement for permanent neutrality legislation is being brought to a standstill. The old AAA program is being rushed to reenactment in a disguise protected from close scrutiny by a deliberate denial of public hearings on the measure, which contains all the anti-social elements of the old AAA and none of its consumer-protection devices.

Most disgraceful of all is the situation with respect to taxation and the bonus. After the latter measure was passed without his active opposition but over his veto, Mr. Roosevelt informed Congress that it would have to find the $2,249,000,000 in revenues needed to pay the bonus in June. His bravery was short-lived. When Congress balked at the implied command to make heavy additions to the nation's tax bill in an election year, Mr. Roosevelt suddenly discovered that the bonus was not at all the frightfully costly thing he had proclaimed it to be. He released the good news that, after all, it would add only $100,000,000 to the immediate annual cost of government; and straightway he busied himself in trying to make room for that item in his

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budget without recommending the levying of additional taxes.

He has been working at that task for several days, with apparent success. All that threatens now in the way of new tax legislation is the reenactment of the outlawed AAA processing taxes as excise levies. Reformation of the nation's anti-social tax structure waits, while the $547,000,000 in consumption taxes lifted off the body politic by the Supreme Court's AAA decision are strapped back on to that body at the behest of a President who in 1933 won public acclaim by loud opposition to such imposts.

* * *

QUITE properly, considering the low level to which Congressional operations have sunk this session, the United Mine Workers' convention threatened at times to eliminate Congress from the front pages. The convention was a good show, but it was not a perfect hit. Coming after the unnecessarily cruel treatment accorded Bill Green, Apostle of Inaction, the vote to double the salaries of the union's executive officers struck a sour note.

Exception could not be taken to the increases themselves. (If Hearst and other captains of industry draw salaries ranging from $100,000 to $500,000 a year, John Lewis deserves a salary sufficient to pay off the national debt.) It was the steam-roller tactics used by Lewis's lieutenants that were deplorable. They were deplorable chiefly because many persons anxious and able to assist Lewis in his campaign to reshape the American labor movement have been holding back to see whether the Lewis of 1936 is a new Lewis or just the Lewis of 1932 *et ante* with a new vocabulary. The salary-vote tactics increased their suspicions, and it may take more than Lewis's morning-after renunciation of the $13,000 raise granted him to arrest their fears and bring them into camp.

* * *

THOSE who cursed Representative O'Connor of New York last summer for the aid he gave to H. C. Hopson of Associated Gas in the power trust's fight against the holding-company bill now must turn about and spare this Tammanyite a few thanks. The same power that he used as chairman of the House Rules Committee to obstruct passage of the holding-company bill he is now using with greater effect to block passage of the Kramer and Tydings-McCormack "anti-red" bills. O'Connor is motivated in his present stand by lessons he learned as a New York Assemblyman when the Lusk boys were on the rampage. Patriots, he says, cannot be made by legislation.

* * *

MORE than a few of our opulent gentry have been willing in the past to donate as much as $100,000 to Presidential campaign funds in exchange for nothing more than occasional invitations to dinner at the White House. It is doubtful that they will be willing to do so henceforth, for the honor of dining at the White House has just undergone considerable tarnishing. The White House secretariat, adding another to its series of costly blunders, has let a convicted criminal, Elmer B. O'Hara, be added to the select company of men invited to sup with Roosevelt.

O'Hara could not accept because he was under trial at Detroit on election-fraud charges and the jury was still out on the night of the dinner. It has since returned a verdict of guilty against him. He previously had been convicted of bribery in a Macomb County, Michigan, land-condemnation case and was awaiting sentence on that count when the White House dinner invitation reached him. It was sent to him because he continues to hold the title of chairman of the Michigan Democratic State Central Committee, though the duties of that post were transferred to an executive committee last year when charges were filed against O'Hara.

* * *

IF a season ticket to the White House is worth $100,000 to a certain few rich men like Bernard Baruch, what is a Senate committee chairmanship worth to the White House? The answer seems to be about $5,000,000. To obtain the basis for that answer one must explore the $200,000,000 trans-Florida ship-canal project, which may shortly be the subject of a Senatorial investigation.

The project involves a plan to dig a 206-mile canal for oceangoing vessels across northern Florida from Jacksonville to the Gulf. There seems to be no reason for the canal, for most of the lines operating in the area assert that their ships would not use it, but Jacksonville interests have been pushing the plan for twenty years. The RFC turned thumbs down on the scheme when it was presented by a private corporation. Later it was urged upon the PWA as a public project. Ickes twice turned it down. Then, last summer, it got to the White House, where at last success awaited it. Mr. Roosevelt gave the project a Presidential allotment of $5,000,000 out of the $4,000,000,000 work-relief fund and started the War Department engineers to work on it.

Why did he do it? Why did he commit the federal government to an investment that can be retrieved only by the expenditure of an additional $140,000,000 to $200,000,000 over a period of six years? The best available answer to date is that he did it as a favor to Senator Fletcher of Florida in recompense for his assumption of the Senate Banking and Currency Committee chairmanship. Fletcher, at seventy-seven, is careworn and feeble and wanted a less arduous committee assignment. And why was Roosevelt so anxious to have Fletcher at the head of Banking and Currency? Because that was the only way of keeping the chairmanship away from Carter Glass. None but Fletcher on the committee outranked Glass, who automatically would have succeeded to the chair if Fletcher had declined it.

When Roosevelt, running counter to the findings of the PWA, made the $5,000,000 allotment to the canal project, he emphasized that the project's sponsors would have to look to Congress for the rest. Fletcher is preparing at the moment to seek a $20,000,000 appropriation to supplement the initial $5,000,000, now virtually exhausted, and Senator Vandenberg of Michigan is trying to call a halt on the project before it goes any farther.

To that end, he has introduced a resolution for an investigation of the project. Hearings on the resolution have been held and a decision is pending. At those hearings Ickes reiterated his opposition to the project on grounds of economic feasibility. The War Department's representative, General Markham, testified that work had been started without a final report from his board of engineers and that this was an unprecedented procedure but he was operating "under orders" from a superior authority. Vandenberg presented letters from twenty-eight potential users of the canal none of whom regarded the project favorably. Nine who opposed it had been recorded by the War Department as favorable to the project.

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Photographing This World

By MARGARET BOURKE-WHITE

As the echoes of the old debate—is photography an art?—die away, a new and infinitely more important question arises. To what extent are photographers becoming aware of the social scene and how significantly are their photographs portraying it?

It is some years since the photographer has felt the need to defend the thesis that the photograph has as much creative quality as the painting. It is generally accepted that photographs are as like or unlike painting as painting is like or unlike sculpture. There is no essential creative difference between hammering stone with a chisel and hammering silver with rays of light. The art of pointing the camera at an object does not transfer it automatically to the back of the photographer's little black box. The illumination, modeling, choice of boundaries, focal length of lenses control the transfer of an object to a sheet of sensitized celluloid, but the major control is the photographer's point of view.

There was a time when fuzzy trees against a fuzzier sky, mist at dawn, sleeping babes, and calla lilies comprised the art-forms of photography. Then rhythmic gear wheels and gleaming pistons shot into the photographic scene. The dynamo became respectable.

This was an advance toward realism and, as such, was good. But it was not enough. It is possible for hydraulic presses to rear their giant forms majestically in automobile factories, and for the workers who place and replace the metal sheets beneath the stamping block to be underpaid. It is possible for cranes to etch their delicate tracery against the sky, and for the iron miners to look from the front doors of their company houses across the deep-tiered stripping and see the derricks, exquisite but idle. It is possible for glistening saws to whir their way, halos of living steel, and for the mill hands to watch those saws slow down into stillness, knowing this betokens another stretch of unemployment.

In the year before the great depression conditions were ideally suitable for the experimenting industrial artist. In the early days of my own experimenting, done largely during 1928 and the first half of 1929, it seemed to me that I was free. I could photograph what I liked without supervision, because then the idea of beauty in the owner's own factory was novel to him. Anything that brought out the glamor of his industry was acceptable because to him his own industry was glamorous. It was piling up profits.

Here I was fortunate, because I had the high flowering of big business in which to learn. Anything I took that had artistic value sold. I do not mean that I marketed everything I photographed, for I was going through a difficult training school and I knew it. Starting in the steel mills, I had to master what is probably the most difficult set of lighting conditions in the world, and literally hundreds of negatives which were poorly exposed or non-interpretative went into the wastebasket. I had to find myself among the cranes, ladles, and blast furnaces. In the beginning, I was so thrilled by this vital, living industry I was trying to photograph that I literally had no idea what to take. I would come into the steel mills, into the riot of flying sparks, rushing metal, bursts of smoke, and feel as though I were coming home, it seemed so much a part of me. But it was a long time before I learned to imprint it significantly on panchromatic film.

When I gradually became more sure in capturing this newly discovered glory, I found that my main customers were the banks. Cleveland was a growing city. No one dreamed that it was not going to expand indefinitely. The banks promoted this theme. Their use of photographs on the covers of their booklets, stockholders' statements, dividend reports was Utopia for a groping, experimenting industrial photographer. It meant that I could offer a choice of any of these subjects which moved me—a pattern of structural steel, the arch of a railroad bridge, a coal rig loading freighters, the revolving disks of flywheels; any of these subjects symbolized to the bankers, or at least to their press agents, the greatness of industrial Cleveland.

Perhaps a prophetic note was struck in one of the last of these pure pattern pictures which I sold in this way. Leaving a factory where I had been working one day, I was struck by the beauty of the late afternoon light on a pile of rusting gear wheels which had been thrown on a dump heap. The resultant photograph was everything that the advertising manager desired in the way of composition and contrasts of light and shade. The soft twilight was deceptive, and the corrosion marks on the gears did not show. The picture was run as a full page in the Cleveland newspapers as an advertisement of the soundness of this mighty Cleveland bank, and my rusted gears were labeled "Keep the Wheels of Industry Turning."

Then came the crash. One by one the banks which had been my customers folded up. The publicity managers who had been my buyers shifted about to other occupations. Clevelanders who had been brought up on the omnipotent, everlasting dynasty of those famous railroad brothers who were my star customers incredulously read headlines which proclaimed the crumbling of the Van Sweringens.

My work went on. After coming to New York I was as busy as ever. I was still under the delusion that I was free, but imperceptibly the nature of my work underwent a change. Instead of being turned loose for a month in an automobile factory to portray the drama of the manufacture of the motor car, I was sent out with a tissue-paper layout, drawn by the art director of an advertising agency, with a group of smartly garbed and professionally smiling models, to show the style points of the finished car. What is known in the trade as institutional advertising had become a luxury product. The task now was to show that a certain make had streamier streamlines, a flossier paint job, more luscious upholstery for less money than you would pay for a competitor's car.

The desire for technical excellence leads one into this kind of thing with a magnet. I felt, and I believe rightly, that the art-for-art's-sake idea had no place in modern photography. The function of photography was to do a job, to do skilfully and effectively the task of selling soapflakes, perfume, or motor cars. The degree of technical facility

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required is so great that advertising teaches invaluable lessons. The advertising photographer cannot be sloppy or inexact. Here we have a use for photography which increases still further the photographer's approach to realism.

It has been forced on me increasingly that there is a limit to the progress that the photographer as an artist can make while pursuing this path. The technical problems are so difficult, so varied, so stimulating, and for a long time so challenging that his work will leap ahead if he successfully meets the problems put to him. But a point comes where his work will increase in merit from the advertiser's point of view only if he himself begins to adopt that point of view. This business of adopting the advertiser's point of view is a subtle and curious thing. If his interests are drawing closer to social realism and he is growing farther away from the artificial atmosphere his clients are trying to promote, he finds, as he goes out on an advertising assignment, that he makes unaccountable mistakes. A desire to do honest work, a social view of the world, will lead him into unexpected pitfalls. To go on competently in the line along which this work leads him he must abandon his own artistic and social conceptions.

I discovered, after many unhappy days of working with a certain brand of motor car, that I had been looking at the automobile with the wrong eyes. This car was not an automobile in the ordinary sense; it was a winged chariot which floated smoothly off into space; only happy individuals, only well-dressed people rode in it; no one went to work, wept, worried, or suffered in its tasteful, though inexpensive, insides. I did not realize this, so my pictures were wrong. By great effort and continuous application I could make them adequate for the advertising pages, but the old, joyous, workmanlike feeling was gone. The pictures did not compose themselves so happily and swiftly on the groundglass.

Once in a while I was given the opportunity to do a job that I really liked, and yet all too often, even in the performance of this work, unexpected obstacles crossed my path. During the drought I was hired by a most reputable magazine to cover the entire stricken area from north to south. I was a very happy photographer when I started out. I had the advantages of all modern technique, an airplane, my instructions, an expense account. Here was an opportunity to show what was really going on—a chance to get close to the realities of life. It was common knowledge that there was cattle shooting. The papers had been full of it. In Omaha I was told that there was no more cattle shooting in Nebraska; true there had been a little, but it was not going on any more. But if I wanted to go to Kansas City, I would find plenty. In Kansas it was impressed on me that Kansas had never shot many cattle anyway, but if I went on to Texas, I could get all I could use. In the Panhandle persuasive AAA officials tried to assure me that whatever isolated episodes of cattle shooting had occurred were in the past, but across the border in New Mexico I would find a great deal of it. By that time I had talked with farmers who had seen their herds depleted—herds which they had built up over the course of years and which they regarded almost as they would their families. I had authoritative figures on Texas cattle shooting. I left the AAA gentlemen, and scouting around myself among the ranches, I found the material for my pictures.

Thus, even when doing a job he believes in, the artist frequently finds unexpected limits to his free expression. When doing a job he does not believe in, he suffers through the necessity of portraying his subject in a way that has become to him unreal. Just as the portrait painter may offend a society lady if he allows lines of age or temperament to come into his picture, so I will displease my client if, in my portrait of an automobile, I allow the reflection of a tree branch to mar its sleek, lacquered surface. The relation of the artist to the patron underlies these incidents. When the social ideals of patron and artist coincide, at that moment art flourishes. When the grandeur of industry appeals alike to manufacturer and photographer, the industrial artist is creative and free.

The artist's livelihood becomes involved at this point. He likes to think of himself as apart from business. Yet he stands or falls with the business cycle. In a period of prosperity the artist is given the opportunity to develop his technique. He can experiment, learn, grow—and the business man will help him. But in time of crisis the business man is too preoccupied or too poor. And even under the best conditions the environment may be antagonistic to the artist. The adoption of the ideals of his customer or patron may require that he abandon his own artistic and social conceptions. How will he escape from his dilemma? Either he adopts those ideals and prospers temporarily, or he repudiates them and becomes increasingly unhappy. At a moment of crisis, he has neither happiness nor prosperity.

Like the painter, the photographer is seeking a wider world, one in which his desire for self-realization is not achieved at the cost of his integrity. In an effort to plot a course which will defend their interests as independent artists, photographers are joining with painters, sculptors, graphic artists, and designers in the first American Artists' Congress, at which artists from all sections of the country will discuss the serious issues which face them. Recognizing that the gravest threat to their independence lies in the very real menace of fascism, more than three hundred American artists, among them Rockwell Kent, Paul Manship, Alexander Brook, Max Weber, Edward Steichen, Ralph Steiner, Paul Strand, Peggy Bacon, Peter Blume, Norman Bel Geddes, and Art Young, have committed themselves, through signing the call to the congress, to an active defense of their freedom of expression by concerted opposition to the dangers of war and fascism.

Problems posed in the opening session of the congress on February 14 will be dealt with more exhaustively in two days of closed sessions to follow at the New School for Social Research in New York. Out of these discussions of vital issues—aesthetic, economic, and social—confronting artists in America today should and I hope will come the clarification needed. And although this is an artists' congress, those attending will realize that their problems are so broad as to reach far beyond their own immediate field, embracing the problems not only of artists but of playwrights, engineers, all creative workers. And they will comprehend that in a larger sense these problems apply to all workers whether they are building motor trucks, railroad trestles, power dams, or pictures. It is my own conviction that defense of their economic needs, as well as their liberty of artistic expression, will inevitably draw artists closer to the struggle of the great masses of American people for security and the abundant life.

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Presidential Possibilities

Knox—Publisher into Candidate

By RAYMOND GRAM SWING

IT is not easy to make a satisfactory political identification of Colonel Frank Knox. Those who have heard or read his recent speeches and noted in them the acid animosity to President Roosevelt, the want of constructive social thought, the strained pietism toward the Constitution, and the vague talk of "voluntarism" as an American "system" may have concluded that he belongs with the conservatives of the Liberty League. His open hostility to the Wagner labor law would tend to confirm the opinion. But it would be a mistaken opinion. He is difficult to appraise, perhaps because he is two persons. One is the man who lived a full sixty years without a tinge of Presidential ambition, following an altogether intelligible career. Then he put on another character, that of a man touched by the ambition, and underwent changes which now are impossible to measure. The private Colonel Knox was anything but reactionary, bigoted, and devoid of balance. But this is not the man he is putting forward. Instead, he has captured the position of Critic Number One of President Roosevelt, and is making his race on the premise that Roosevelt can be made to beat Roosevelt, not that Knox could do it.

His virulent attack on Roosevelt coincides with the ground swell of the reaction against the New Deal. The fact is, of course, that President Roosevelt never was the savior he seemed. National feelings, having risen irrationally, had to sink irrationally. That of itself explains the tide against the New Deal. And here, in Colonel Knox, is the voice for it. On March 16, 1934, he could speak of the President reverently as "the man who sits in the White House and bears the well-nigh intolerable burden of leadership in this crisis in our affairs." But on July 25, 1935, he went into intellectual falsetto in Los Angeles, crying: "Upon what food does this our Caesar feed? What madness has seized upon him? Does he not see how dangerously close this comes to conspiracy to break down our institutions of government?" And as recently as November 6, 1935, at St. Louis, referring to the Congressional investigations of business, he declared: "I say to you deliberately that most of these investigations are designed by the New Dealers to draw red herrings across the trail of their real intentions. Their intentions are to discredit private industry so these New Dealers may encounter a minimum resistance and later, it may well be, seize private property on the Marxian philosophy of government ownership." Now this is balderdash, and Publisher Knox of two years ago, if he could be projected into the present, would be the first to scoff at it.

But even the private Colonel Knox offers a clue to this change. He is fundamentally a trusting nature, and he has often shown himself a shade too ready to believe in the persons he meets. Then, with disillusionment, he over-reacts. Behind his attack on President Roosevelt, I imagine, is some episode in which he utterly believed in him and was fooled.

To find the real Knox one must go back to his speeches as a private person, before the Presidency entered his mind. In these he stood out as a Bull Mooser. He had not developed the riper judgments suited to the epoch of 1936. He remained the voice of 1912. But he was refreshing, forthright, and courageous. He still is this person in the main, as anyone will learn in private conversation with him today. I have had several talks with him recently, and I found him passionately committed to the restoration of the competitive system in American life, as ready as T. R. to smash the trusts, unsparing in his condemnation of monopoly, genuinely concerned with finding a way back to the departed days of economic laissez faire. (Laissez faire is not his word but it is his meaning.) He hates bigness in business; he believes it incompetent, uneconomic, and dangerous. And he believes that if he were given the power he would find the moment and the audacity to turn back the clock in defiance of big business and high finance.

Colonel Knox has been a newspaper publisher nearly all his life, and there is no business quite so competitive, even in these days of chain papers, when publishing has become far more a matter of advertising and circulation than of able opinion. So Publisher Knox is genuine in his enthusiasm for competition. Furthermore, he is a first-class publisher, his five years with Hearst notwithstanding. Till well beyond fifty he was a small publisher, successful in a small way, honorable and intelligent in a large way, and he took the Hearst job, first publishing the Boston *American,* then managing all his newspapers, as a final clinching of success. He earned half a million dollars in five years, and at the end of that time he was ready in mind to retire. Nor was he a Hearst satellite, caught in the cobwebs of intrigue which make the Hearst organization so unhealthy a working place. He came in at the top and maintained his independence, finally resigning because of too many vetoes by his employer. The time with Hearst, together with an old friend's help, provided the cash with which he was able to buy his way into the Chicago *Daily News,* and make himself for the first time a big publisher on his own. When he gained control over that paper he determined to round out his career with a new achievement. He dreamed of making it the best newspaper in the English-speaking world, best in style, information, opinion, and appearance. It is impossible, of course, to say whether he ever could have accomplished this. I have called him a first-class publisher, but I do not know whether he is also a great one. I am not sure that Colonel Knox could himself train first-rate newspapermen, and so raise the standard of writing and trenchant thought in the American press. Nor am I sure he could watch his circulation fall by a couple of hundred thousand because of a conviction, though his first attacks on the New Deal did cost him readers by the five thousands.

The men on the *Daily News,* who have worked intimately with Colonel Knox and who for reasons of long friendship would speak freely to me, give a glowing account of him as a publisher. They have yet to see him, in a major

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issue, come to what they consider a fundamentally wrong decision. Even when it cost something they have seen him, again and again, do the right thing. Furthermore, he has refused to subordinate the newspaper to his new political life. His paper is not his personal organ. It is not boosting his candidacy. Moreover, the men on the *Daily News* feel free to express themselves. One of the best reporters on the paper nearly lost his job for asking Colonel Knox how he wanted him to write a certain story. American newspaper traditions being what they are, the freedom of writers on the *News* is certainly wide; as in the case of Howard Vincent O'Brien, whose column on the editorial page sometimes goes so far to the left of the editorial opinion close by as to appear like an antidote. Colonel Knox thinks O'Brien is "mad," but gives him a column to be mad in. And he gave it when Columnist O'Brien commented on the Presidential candidacy of Publisher Knox. This is what O'Brien wrote:

> I hope he gets the nomination. What is more, I would gnash no teeth if he were elected. But I think that within thirty minutes after he took the oath of office there would be some teeth-gnashing—and they would be his! He believes sincerely that, as President, he could alter the course of government. I do not. . . . I believe that, when put to the test, Mr. Knox's platform would remain as shiny and unmarred as the Democratic platform has been. I believe that a new hat on the White House hatrack would change the flow of events little more than a new president of Tel. and Tel. would affect our use of the telephone. I am convinced that Frank Knox would be a good President, efficient, worthy of all trust; but I am equally convinced that as President he would do things that are utterly abhorrent to him now, and perforce leave undone practically all of the things he now advocates.

Knox is a big-business executive rather than an editor in the old-fashioned sense. It is in the management of a newspaper property that his gifts have been exceptional, and in this one-sidedness he is like all outstanding publishers in America that I have encountered. Few of them know much about writing or rate wise judgment above all other qualities. Knox is not versatile in dealing with ideas. He is an extrovert, a doer, in other words a business executive, not a thinker. And as a business executive he is like others of the type in America—impetuous, dominant, lonely; in the last analysis he makes all decisions himself. As an extrovert who dislikes delegating authority, he resembles Franklin Roosevelt. But having come through the harsh school of competitive business, he is more hard-boiled. To his business associates he is known for bluntly speaking his mind. And they admire his ability to say "no" to temptations to spend money. He can manage property, curtail expenses, defy all considerations which tempt a weaker man into precarious business methods. His business associates think he would have the courage to reduce the government budget, withstand the infinite claims made on a President, and do what is known as "cleaning up the New Deal mess at Washington."

Like most large papers in America, the *Daily News* is a great business institution as well as an organ of public opinion. Even so, in its way it is a servant of the public, and even of liberty. During the witch-hunt at the University of Chicago, while the *News* did not bristle with indignation it did come out on the opposite side to Hearst. Its editorial spoke of "an agitated minority" that had become alarmed by "reports of disloyalty in certain universities." "Even if some individual teacher," it went on, "is guilty of unlawful activity or seditious teaching—which is yet to be proved—it would be unjust and contrary to public interest to indict an entire institution or to impose shackles upon teaching and inquiry. It would be a permanent setback to this community if, in a moment of hysteria, the cardinal principles of academic freedom and the perennial quest of truth should be circumscribed."

Today Candidate Knox has in his organization two leaders of the American Legion, one of them former National Commander Hayes. As an ex-service man of both the Spanish-American and World wars, he is making the strongest bid for the veteran vote. After opposing the bonus as a publisher, believing in economy, he found as candidate that it might as well be paid, if it could be out of funds already appropriated. Whether he would be as quick to rationalize the suppression of academic freedom and "the perennial quest for truth" to please the Legion remains to be seen.

[*In two earlier articles on Presidential Possibilities Mr. Swing discussed the candidacy of Governor Landon. Next week he will analyze the campaign strategy of Colonel Knox.*]

Loose Construction

By HEYWOOD BROUN

THE conservative wing of the Republican Party is riding high in the party's councils at the moment. The Smith speech at the Liberty League dinner and the Talmadge speech at the Macon convention both indicated that potential walking Democrats are seeking the exit at the extreme right. With the exception of Herbert Hoover, whose name would arouse a certain personal resentment in the Smith forces, it is hard to think of any G. O. P. candidate reactionary enough to alienate Al or Gene. This growing faith that a Bourbon can be nominated and elected was illustrated the other day by a Republican Congressman who bridled at the mention of Ogden Mills. "Ogden Mills for President!" he exclaimed. "You don't think I'm going to support one of those crackpot liberals."

Don't forget Jim Wadsworth. His strength is growing rapidly. Already he is being freely mentioned as a vice-presidential candidate and he may move higher in the picture. The Representative from New York was considered antediluvian a few months ago but he begins to shape up as just the type. It must be remembered that Republicans are preparing to make much of "Washington or Moscow" or some such slogan. It isn't altogether easy to find a candidate who has not been called communistic by somebody. After all, the list of those against whom the finger of suspicion has been pointed includes Roy Howard, Nicholas Murray Butler, Dean Russell of Teachers College, Bishop McConnell, William E. Borah, and just the other day Ralph Easley suggested that Ham Fish was slipping.

* * *

IN considering the speech of William Green at the United Mine Workers' convention it should be pointed out that Mr. Green was not nearly as inept as he seemed to many of the newspaper reporters who were present. The

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gentlemen of the press held the length of the speech against Green, and it is true that he talked for more than an hour and a half. But that is by no means a long speech as labor standards go, and miners in particular like their eloquence long drawn out.

John L. Lewis is not always given to brevity. He is a genius on the platform and makes his own rules, but certainly in passing up his opportunity for an extended reply to Green he broke away from well-established precedents. The revolutionary quality of his tactics was one of the things which captured the imagination of the mine workers. In labor groups there is a considerable tendency to believe that the man who takes the most time has the best case. McAllister Coleman told me that once in Illinois he listened to a mine leader who talked for three and a half hours without a break. "What did you think of my speech?" he asked Coleman at the conclusion.

"Well," replied the newspaperman as tactfully as he could, "it was certainly pretty long."

"Long nothing," said the labor leader, "you should have caught me down in Alabama last summer. I was speaking under a tent and it was 103 in the shade. I spoke for eight hours. Twenty people fainted, but the stretcher bearers always came back to hear me finish my speech."

John L. Lewis did not require the stretcher bearers to wait so long. He knocked out William Green in precisely three minutes.

* * *

IT is too soon to make predictions that the squabble at the convention necessarily means a split between the United Mine Workers and the American Federation of Labor. It is well to remember that the executive committee of the A. F. of L. made a violent gesture toward the Committee for Industrial Organization in its Miami resolution. I imagine that Lewis felt his group would be decidedly on the defensive unless he could show the potentiality of an even more powerful and punishing blow. He did so and now the warring groups are back where they started.

If no successful compromise is reached at the Tampa convention this year, then there may be a split. I look for a partial surrender by the craft groups. But whatever the outcome it seems to me almost certain that John L. Lewis will be in command of the labor movement in this country within the next two years. His greatest assets are his drive, his courage, and his extraordinary grasp of popular psychology. His weakness is his tendency for wholly autocratic decisions. To be sure he works for the most part through democratic forms, but when John L. Lewis asks any delegate who is in disagreement to stand up it is rather more a challenge than an invitation.

Fortunately Lewis does not bear grudges and he will work whole-heartedly with individuals who have at one time or another been his bitter enemies. Penance and apologies are kindly omitted. Many an individual "radical" has worked in close cooperation with John Lewis without fear or friction on either side. But Lewis is still a little skittish about the word "radical" when applied to any group and he is decidedly conditioned against the word "communist." But as the fight for industrial unionism continues I have a feeling that John L. Lewis will grow even faster than his following and that he will begin without reluctance to broaden the base of his support.

THE new quarters of the Supreme Court are far more spacious than the room in the Capitol—the old Senate chamber—where it used to sit. The old room was so small that it would have made it well-nigh impossible to throw away so many acts of Congress. Some of them would have bounced right back again.

Correspondence

What Don't the Dailies Print?

TO THE EDITORS OF THE NATION:

The Nation, in a widely circulated letter promoting subscriptions, says, "It is edited with far more detachment and perspective than your newspaper"; and adds, "It [*The Nation*] places at your disposal every week: (1) the significant news most dailies dare not print. . . ."

I ask: (1) What news? (2) Which dailies?

I add: It is my belief, based on many years of experience, that "most dailies" print much more "significant news" adverse to their policies than does *The Nation* or its type—and they do it less grudgingly.

I am a reader of *The Nation* and a liberal—I think—but, as a newspaperman, which I still am, at least at heart, I become irritated at the smugness of the so-called radical journals in seeking to portray their own virtue by belittling the other fellow's. I think the newspapers do a pretty good job; no other country gets as high a degree of public service from its press; most countries get far less.

New York, January 20 HERBERT BAYARD SWOPE

A Few Examples

Mr. Swope raises a fundamental question which is well worth extended discussion. The *Editor and Publisher* touched upon it in its issue of November 16, 1935, when it stated in an editorial that "certain weekly journals of opinion and news are conducting a sly campaign of disparagement of the daily newspapers—without which they could not exist." On this page we cite a few examples in answer to Mr. Swope's challenge. Because it would be impossible to check every item in every paper of the United States we have for the most part let the thoroughly indexed New York *Times* represent the press in this discussion; in a few specific instances we have accepted the statements of authors in regard to the coverage of local papers or press services. Moreover, we have limited ourselves to the past year.

At the outset news must be defined. In the simplest sense it might be said to consist of facts which are affected with a public interest. But Mr. Swope and the *Editor and Publisher* would surely agree that news does not consist merely of facts; the implications of any given fact and the significance of a group of facts also constitute news. In a given situation it might be proved that the newspapers had printed each separate item; yet if those items were not printed in such fashion as to reveal their collective significance, an important piece of news might have remained hidden.

To cite an example: In the early part of 1935 Anthony J. Drexel Biddle, Jr., was being suggested for various diplomatic posts. On January 19 in a small item on page 14 the New York *Times* noted that Mr. Biddle had called on Secretary Hull and that Mr. Biddle was being mentioned for Minister to Ireland. On June 2 it recorded that Biddle had been required to post a bond because he was the defendant in an

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accounting suit against the Sonora Products Company. On July 16 the *Times* reported on page 17 that Mr. Biddle had received an appointment as Minister to Norway. There was a portrait of the new diplomat and there were several paragraphs outlining his career. Paragraph one mentioned that he played match tennis and had been known as an amateur boxer; paragraph two stated that he was a member of the advisory board of the Chase National Bank; paragraph three summarized two marriages and one divorce; paragraph four related that Mr. Biddle had made his residence in Paris in recent years but that he had come back to the United States to help in the successful political campaign of his friend George H. Earle for the governorship of Pennsylvania; the last paragraph cited his war record.

In this account two key facts were omitted—facts which seem to us even more important and interesting than, for instance, Mr. Biddle's former standing as a boxer. The first was that in 1934 Mr. Biddle, along with certain business associates, had been held guilty in the U. S. Circuit Court of Appeals of diverting between two and three million dollars in profits in connection with the Sonora Products Corporation. The second was that Mr. Biddle had contributed some $30,000 to the Democratic campaign chest, though the best he had been able to offer in expiation of his financial obligations to the Sonora stockholders had been $160,000. One final note: A little later, on August 31, there appeared in the *Times* a report headed "Biddle's Liability Fixed in Report." The story was half a column long and reported among other things the finding of the court that "the four defendants [including Mr. Biddle] bought 180,000 shares for $90,000, and reaped a profit, exclusive of interest, of fourteen times that sum." From this story, too, one fact was missing. It was not stated in so much as a subordinate clause that the Mr. Biddle whose liability had been fixed was the newly appointed Minister to Norway.

The Nation for August 7, 1935, published Mr. Biddle's record as financier and politician. We submit that in this instance *The Nation* printed an important piece of news which the newspapers had failed to print.

The case of Amelia Earhart and the Hawaiian sugar interests who secretly paid her $10,000 to fly from Honolulu and then to say that Hawaii was an integral part of the United States (to help the fight against the quota on Hawaiian sugar) is only slightly less conclusive evidence that news is suppressed. The item about the $10,000, where it came from and through whom it was paid, did appear in the San Francisco *Daily News*. It was also mentioned by the *Editor and Publisher* itself in the course of an exposé of ballyhoo methods of obtaining publicity. Yet the New York *Times,* which ran Miss Earhart's exclusive story of the flight—including a sentence about "the alluring southwest corner of the United States"—never saw fit to print the story of the $10,000.

Lest it be charged that we are attempting to prove our case by making our own definition of news, we list below a few other instances in which facts affected with a public interest failed to make the grade as news in the key newspapers.

On July 31, 1935, at a hearing of the Senate Lobby Investigating Committee, it was revealed that Basil O'Connor, former law partner of the President of the United States, received $25,000 from the Associated Gas and Electric Company during its fight against the Wheeler-Rayburn holding-company bill. This item was of special interest to New Yorkers; it was of national interest because Basil O'Connor is the brother of John O'Connor, chairman of a House committee which was also investigating lobbies. The *Times* and the *Herald Tribune* failed to carry this item. In fairness it should be noted that the *Post* and the *World-Telegram* did carry it.

An incident which occurred during the same period reveals thaat even the Associated Press is not all that the *Editor and Publisher* implies it is. On the night of August 14, in the convivial company of B. B. Robinson, chief lobbyist against the Wheeler-Rayburn bill, a number of reporters discovered Amon G. Carter, newspaper publisher and ardent supporter of the Roosevelt Administration, L. W. Robert, Jr., Assistant Secretary of the Treasury, and Marvin H. McIntyre, secretary to the President. We quote from Paul Ward, writing in *The Nation:*

> To the Hearst press service's everlasting credit it promptly dispatched the tale. The United Press also put it on the wire, albeit not until long after midnight when it could not catch many papers. The Associated Press, however, suppressed the story and not until late the following day did it release the yarn. Even then it acted only under badgering from editors in various parts of the country, and, although one of its own men had witnessed the incident the Associated Press avoided responsibility and had the story sent out of New York in a form which represented it as an exclusive yarn dispatched to the New York *Post* by its Washington correspondent.

The suppression described in this paragraph is itself news, as well as the facts which were partially suppressed.

Neither Mr. Swope nor the *Editor and Publisher* would deny that especially in the cases of Mr. Biddle, Mr. O'Connor, and the Robinson party, the facts and their relation to each other were of genuine public importance; or that the Earhart item was at least of national interest. In the field of labor relations the powerful press represented by the *Times* and the *Editor and Publisher* would probably grant without much argument that *The Nation* prints news the dailies don't. They would advance what seems to them a valid argument—that this news is not of general interest and therefore deserves less attention than three-legged hens and Canadian quintuplets—despite the fact that the primary interest of the great mass of citizens is the job and its security. We should like to submit a few items which even by their standards would seem important enough to rate attention in the press and its services.

The hearings before the regional labor board in Philadelphia in the case brought by employees against the Freihofer Baking Company—the largest in Philadelphia—were sensational. They revealed a particularly sordid story of a company union organized through the use of labor spies, in violation of an agreement with the Bakery Drivers' Union. It was reported that the Philadelphia board was determined to make this case the beginning of a planned attack on company unions and labor spies, yet both the strike and the hearings, discussed in *The Nation,* were ignored by the Philadelphia press—and, of course, by the New York papers.

A few weeks ago Congressman Marcantonio made an attack upon the Associated Press in connection with the A. P.'s suit to restrain the National Labor Relations Board from passing on the discharge of Morris Watson; the A. P. held that the Wagner-Connery act was unconstitutional. As Mr. Broun pointed out in *The Nation* of February 5, it is the rarest thing in the world for a Congressman to criticize a great press association, but the Associated Press failed to send out in its service any account of the attack.

Every two weeks *The Nation* prints in its column, Facts for Consumers, damaging news and critical comment about the products of many of our best manufacturers. These facts are of vital interest to every consumer; yet Mr. Swope and the *Editor and Publisher* would scarcely deny that the most important among them run the least chance of being published in the daily press—and that this will continue to be true as long as the press lives on advertising.

We have noted here only a few examples to prove that *The Nation* prints news the dailies don't and won't print. Many others can be cited.—Editors The Nation.

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Why They Eat Garbage in Englewood

To the Editors of The Nation:

An editorial appearing in the December 12 issue of the Englewood *News* on the fact that hundreds of people are living on the refuse salvaged from the city dumps drew some caustic comments in *The Nation* for January 8.

As a fellow-member of this thing called the Fourth Estate, which is alleged to be predicated on the principle of accuracy, I know you will be interested to learn that your comments were based on erroneous deductions. People do not eat garbage in this city because "relief agencies are inadequate." The doors of Englewood's relief agencies have never been closed to anyone in need of food, clothing, or shelter. These human derelicts somehow have made themselves believe that "forbidden fruits" are buried in the garbage and ashes. They harbor a grudge against any kind of charity.

The entire condition is a sad commentary on the city's social pattern, but the responsibility does not lie at the doorstep of any relief agency. Those who grub for meat along with hungry dogs have already proved their eligibility for relief through a menu of blue-plate crumbs.

By way of contrast in this same city it is interesting to note that during the recent snow storm, when a call was issued for 150 WPA workers, only one man responded, proving that some of the loafers should be taken off relief and "put on the garbage."

Englewood, N. J., January 27 Robert H. Gamble,
Editor, Englewood *News*

Contributors to This Issue

Paul W. Ward, a regular Washington correspondent of the Baltimore *Sun*, contributes a weekly letter of Washington news to *The Nation*.

Margaret Bourke-White is a photographer of national reputation.

David Scheyer is a labor journalist in New York.

John R. Chaplin is Hollywood correspondent of the Federated Press.

Clara Gruening Stillman is the author of a life of Samuel Butler.

Philip Blair Rice contributes reviews and critical articles to various periodicals.

William Seagle was formerly an associate editor of the Encyclopedia of the Social Sciences. He is now at work on a history of law.

Milton Rugoff has taught English at the City College of New York and at Brooklyn College.

In an Early Issue

Benjamin Stolberg

will report on the Presidential candidacy of Governor Talmadge of Georgia

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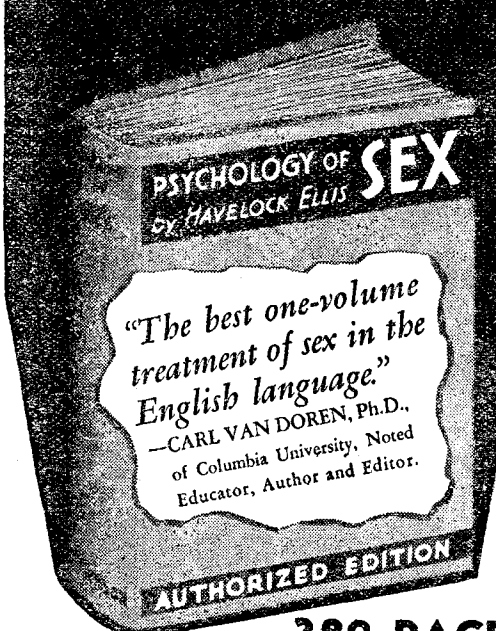
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Labor and Industry

The Dressmakers' Strike

By DAVID SCHEYER

New York, February 10

TAKE the case of Jake Cohen, dress jobber—and to the legion of Cohens who are in the dress industry let me explain that the name but nothing else in this essay is fictitious.

Jake Cohen is a big business man, one of the seven hundred jobbers who form the apex of New York's dress industry with its annual production of nearly $400,000,000. Jake Cohen does about a million dollars' worth of that business—and he may do it with a capital as low as $50,000.

Cohen doesn't, you understand, hire many workers himself. He buys the materials, styles the garment, has it cut, and sells it. The actual sewing is done in one or another of the city's two thousand contracting shops, where four-fifths of the industry's hundred thousand dressmakers work. Jake Cohen has work enough for five contracting shops; but he employs fifteen contractors; he gives the great majority of his garments to the favored five and keeps the others in tow to beat down prices through the terrific competition in the industry which he himself helps to generate. You don't understand how the other ten contractors make a living? Well, many of them don't. A third of the contractors in New York go out of business every year.

Sometimes Jake Cohen will become reminiscent about the good old days before the general dress strike of 1933 lifted the dressmakers out of the sweatshops. Then Cohen and his contractors were able to hire workers for five and eight dollars a week, work them fifty hours or more a week, late at night, on Shabbas, any time. The strike abolished this idyllic state. Jake Cohen had to pay wage minimums, the thirty-five-hour week was strictly enforced, and, worst of all, the union business agents and accountants had the right to look at his books and the details of his business. He knew twenty-two ways to chisel on the collective agreement with the union, but it was becoming harder and harder to get away with it. In two years the union collected half a million dollars from the jobbers—money which had been stolen from the workers in the industry by false grading of dresses and other tricks.

In this state of industrial anarchy and fraud it was almost inevitable that robber barons should arise. Hard-faced gentry from bootlegging, white slavery, and the snatch racket came into the dress trade. They made sure that contractors who had promised a kick-back really gave it, silenced malcontents, dominated the manufacturers' associations. They had the strongest vested interest in maintaining the vicious evils of the jobber-contractor system, the most to fear from the extension of the union's strength.

Toward the end of 1935 Jake Cohen began to hear disturbing rumors. The agreement with the union was due to expire on January 31, 1936, and the New York Joint Board of the International Ladies' Garment Workers' Union had framed demands for its renewal that gave Mr. Cohen and his fellow-jobbers the jitters. The union was getting tired of chiseling jobbers, of the hoodlums who had invaded the trade, of the contractors who transmuted their burdens and losses into joblessness, insecurity, and misery for the workers.

The union was making three chief demands. The first was limitation of contractors: each jobber would be allowed to have, on the basis of his average volume of business, a certain number of contractors, but he couldn't have twice that number in order to be able to chisel prices by playing one contractor against another. The second demand was for the settlement of prices on the jobber's premises, to make sure that all contractors working for one jobber were paid the same rates and to fix the burden of violations on the responsible jobber. Third came the demand for the unit system, a device for setting piece rates based on time studies made by the union, providing a standard for measuring the amount of labor spent in creating a dress. These may seem strange demands from a union. They are not technicalities. Altogether they represent machinery for stabilizing the industry in the interests of better wages, assured employment, and tolerable working conditions.

The union raised this banner in October, 1935. For three months the jobbers' organization, the National Association of Dress Manufacturers, the United Dress Manufacturers, to which the contractors belonged, and the Affiliated, the association of "inside manufacturers" (who make dresses complete on their own premises)—all refused to meet with the union. So the I. L. G. W. U. went ahead with its strike preparations, secure in the knowledge that it had a defense fund of a million and a half dollars and the unswerving loyalty of a hundred thousand dressmakers. Never was a strike better organized than this. The four locals of the New York Joint Board mobilized shop chairmen and strike committee members so that the word "Down tools" could spread through the market on five minutes' notice. Julius Hochman, Joint Board manager, issued a pamphlet, "Why This Strike?" giving to the workers and the public a brilliant analysis of the factors involved.

With the expiration of the agreement at hand the union was ready to act. The jobbers and contractors suddenly began screaming in anguish as they saw a stoppage coming just at the peak of the season. They ran to Mayor LaGuardia. They ran to the newspapers. And finally they ran to the union to find out just how little they could give.

Meanwhile the three employers' associations have become five. The jobbers of cheap dresses left the National to form the Popular Price Association. Similarly the contractors in the low-priced line organized the Interstate Association. The old contractors' group, the United, is on its way out. At its last meeting, a meeting packed with strong-arm men hired from private detective agencies, with the platform guarded by a platoon of police, the elected officials were stripped of power and a clique organized as an "action committee" took over the affairs of the association.

For two weeks now the weary-eyed, tired-voiced committee of the union—Dubinsky, Hochman, Zimmerman, Antonini, and others—has been sitting through endless nights

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of conferences trying to discover some responsible group to bargain with. The disintegration, the clash of interests, and the sheer stupidity of the employers have made an agreement almost impossible—impossible, that is, without the purgative of a general strike. Many commercial gamblers in the industry want this strike. They have stored racks with thousands of dresses; a strike means a clean-up, an immediate agreement bankruptcy.

The Joint Board of the I. L. G. W. U. alone has shown a sense of responsibility in this maelstrom. It has sought every possible means to avoid a strike that would be tremendously costly not only to the workers but to New York's economic life as well. One thing it has not done and will not do—abate its demands for bringing a decent life to the dressmakers and order to the industry.

On February 3, when Dubinsky and Hochman reported to a meeting of five thousand shop chairmen at Manhattan Opera House, it seemed that some agreement might be reached, but negotiations broke down. The union then acted. On February 7 twenty thousand dressmakers in Madison Square Garden gave their mandate in the ceaseless chant, "We want a strike!" Hurriedly the employers renewed negotiations. It would be a good thing if the union demands could be won in conference, but if they cannot, the whir of fifty thousand sewing machines will be stilled in the greatest strike New York has ever known.

Hollywood Goes Closed Shop

By JOHN R. CHAPLIN

Hollywood, January 29

THE Hollywood of this date line is vitally, fundamentally different from the Hollywood of a month or more ago. Since the first of the year the closed shop has hit the movie industry and has brought about a change of mentality, a new labor consciousness, which makes Hollywood a quite exciting place, one where, for the first time since the triple scare of the earthquake, the bank moratorium, and the wage cut of 1933, the glamor of stardom has actually been challenged as cynosure for the natives.

The closed shop in Hollywood is no smashing victory for labor. In fact, many persons think that the studios—or at least the labor-relations executive of the Hays office, Mr. Pat Casey—engineered the closed shop to avert more serious threats to producer autonomy, such as a strike at the termination of the union agreement this spring, or the industrial unionism foreshadowed by the International Alliance of Theatrical Stage Employees.

This organization shall be known henceforward as the I. A. T. S. E., in distinction from the I. B. E. W., or International Brotherhood of Electrical Workers. These two brotherhoods have for many years vied for supremacy in Hollywood. The sound-men's strike of 1933 gave the studios a chance to throw out the powerful I. A. T. S. E. and substitute the I. B. E. W. by building up union rivalry over the jurisdictional dispute. Now the I. B. E. W. is virtually out on its ear, and the I. A. T. S. E. is in control.

The so-called closed shop has within it not the seed of workers' power in Hollywood but the almost inevitably fertile seed of constant labor disputes. For instance, all electrical workers handling permanent installation belong to the I. B. E. W., while those handling temporary installation for the actual shooting of scenes are I. A. T. S. E. members. In addition to providing a supply of scab labor—in the event that one of the two unions should walk out without the other—this arrangement makes it necessary for two men of different unions to be employed side by side in many cases; for the I. A. T. S. E. man who may plug a light-cable into a permanent socket may not turn the permanent switch, which belongs to the I. B. E. W. men.

Mr. Pat Casey and the gentlemen he so nobly serves in his union-busting activities have plenty of imagination. They throttle it, it is true, in the films they make, but they are positively ingenious in figuring out ways of beating the labor problem.

* * *

THE real gain from the closed-shop agreement is the courage and initiative it has given to unorganized or unrecognized groups. The Screen Actors' Guild, with nearly five thousand members, and the Screen Writers' Guild, with nearly a thousand, both in existence since 1933 but still unrecognized, now definitely plan a campaign for recognition. Needless to say, through their numbers, their wealth, and the prestige of their officers (what a persuasive union leader Robert Montgomery, Ann Harding, or Jimmy Cagney would be!) these two guilds, when recognized, will assume leadership of all labor elements in Hollywood. The Actors are already affiliated with the A. F. of L.; the Writers will probably soon follow suit.

In every branch of the industry organizations have sprung up. Hairdressers, make-up artists, first-aid attendants, and others have formed A. F. of L. locals; press agents and newspaper correspondents have their S. P. A. N. C. (Society of Press Agents and Newspaper Correspondents) and their Foreign Press Society. Only the office workers remain unorganized. And now, most amazing of all, comes the Screen Directors' Guild. Last mainstay of that ballyhooed company union known as the Academy of Motion Picture Arts and Sciences, the directors, forty of them (96 per cent Academy members), have struck out on their own. King Vidor, Lewis Milestone, Frank Tuttle, William K. Howard, and John Ford are the officers. The board of directors is equally impressive. Word has leaked out that at one of the organizational meetings one of these $100,000-a-year men asked: "What's the difference whether you get a check for $25 a week or for $2,500? As long as you get a pay check, you're a laborer."

At the first meeting of the directors a man making $75,000 a year burst out: "To hell with arguing about whether or not you'll join the Federation of Labor! When you guys realize you've *got* to join it, I'll be back again." Meanwhile he is a member and using his weight to bring about affiliation.

The membership list has grown to nearly a hundred.

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One hundred and twenty-five would mean more than 50 per cent of all directors, and would include all who are of any importance. Some 125 men make the pictures the producers know they can sell.

This directors' organization is of interest to the public, for when the directors make demands it will be not only for recognition but for different working conditions. And a change in their working conditions will mean a definite change in the type of films Hollywood is turning out. The directors want more say in the stories they shoot, more influence in the final cutting of the film. They want, too, a percentage of the profits. This would give them a partner's authority to challenge the whims of producers and those feeble-minded nephews of theirs known as supervisors.

* * *

WITH the directors threatening to show at last—for the first time, probably, since D. W. Griffith—something of their own minds in the films, the producers are searching for new "cycles" of money-makers. The G-man angle helped them to get around the edict of the Hays office against gangster films, and now they are on their way to a new "racket cycle." Dore Schary has done a story called "People Must Eat" which is said to expose the various food rackets. But the main impetus for the racket exposés comes from Martin Mooney, whose "Exclusive Story" has already exposed the "numbers" game, and whose "Bullets Versus Ballots," in which Edward G. Robinson terminates his stay at the Warner Brothers' factory, will expose the use of strong-arm men in election campaigns.

Mr. Mooney is at present in a New York jail, where he is serving a thirty-day sentence for having refused to state where he got his evidence in the racket exposé he wrote for the New York *American*. The Warner Brothers have stood by him nobly. They paid his plane fare to New York and are keeping him under contract. Each day he ships his writings to the studio, where another writer assembles them into screen form. The Warner Brothers can afford such largess, for they are reaping publicity from the fact that Mooney, in jail for refusing to state his sources, is now writing a film called "So You Won't Talk."

Although his exposés were done for a Hearst paper, Mr. Mooney is quite an engaging young man. Nor is he unused to having trouble with the authorities. Some four years ago Universal sent Martin Mooney and his partner, the late Patrick Kearney, to Boulder Dam to dig up a heroic scenario. The boys came back with a labor epic that took ten years off the life of Carl Laemmle and thoroughly upset the stomach of his general manager, Henry Henigson. One evening Mooney and Kearney went to the John Reed Club of Hollywood and gave a report on Boulder Dam which was impassioned, moving, and sincere. Unfortunately, so far as I know, their material belongs to Universal and has never been published. The conditions they reported, had they been made public, would doubtless have inconvenienced Senator Reed Smoot. The next day Mooney and Kearney were abruptly dismissed from the Universal lot. Mr. Henigson denied to the press that their dismissal had anything to do with their appearance at what he called the "Tom Reed Communistic Club." (Tom Reed is one of Hollywood's highest-priced scenarists.)

Mooney was not surprised. The night before, with a reverent nod toward San Quentin, he had said: "No one who bears my name can help realizing how dangerous it is, under this system, to try to right the wrongs of labor."

* * *

THE yearly award of the Academy of Motion Picture Arts and Sciences will doubtless go this year to the "Informer," in which Victor McLaglen acted superbly under John Ford's direction. Unless the vote is swung to Metro-Goldwyn-Mayer for its "Mutiny on the Bounty," the academy will award its prize to John Ford, one of the first movers in organizing the Directors' Guild. Ford says he can take no stand until the prize is offered to him, but his friends say he will refuse to accept it. This would doubtless prove the death-knell for the company union.

Hardly anyone but that forgotten man Mr. Conrad Nagel, strike-breaker and apologist for Hollywood, and prize-winning Mr. McLaglen, American patriot supreme and owner of the famous fascist lighthorse troop, would regret the academy. Its prizes have become meaningless. It now contains less than 5 per cent of writers and an even smaller percentage of actors, and the directors are deserting it in ever-growing numbers. On March 5 once more the hollow mockery of the award of the academy prizes will be the occasion for a Hollywood gala night. The producers will have to invite *all* of their many relatives lest their cherished company union find itself completely lost in the immensity of the Biltmore Bowl. The academy, like so many other "world-shaking" aspects of Hollywood, will become overnight but a memory of the days when actors, writers, and directors were still afraid to realize that their place was alongside their fellow-artisans in the ranks of labor.

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Books, Drama, Films

Patriot and Idealist

Lafayette. A Life. By Andreas Latzko. Doubleday, Doran and Company. $3.

AT first glance Lafayette seems an ideal subject for a popular biography. Subsequent glances discover numerous difficulties. He was already famous in his teens, and his long life was packed with political and military incidents which require a day-to-day scrutiny of events in several countries over stretches of years and their integration with the international background. Some of these incidents were extremely involved, their underlying facts and motives hidden in diplomatic archives and private correspondence. Fulness of treatment would be cumbersome; selection requires extensive knowledge, penetration, and skill. Lafayette played an important part in three revolutions—the American, the French Revolution of 1789, and that of 1830. He was conditioned as an ardent lover of constitutional liberty by his early years in America. In his later years a certain pattern recurrently repeats itself, significant in its main outlines but made up of infinite factual details which easily become wearisome. Lafayette's life is, in fact, an extraordinary example of vital overstatement, the same personal equation being demonstrated again and again by his behavior on similar occasions. In the interests of biographers it seems that Providence, fate, or history, all of which Mr. Latzko is fond of invoking, should have managed the matter with greater economy. For this reason most writers on Lafayette have confined themselves to certain periods or aspects of his career.

Another difficulty is the fact that some, at least, of Lafayette's fame rests on assumptions which are disputable, as has recently been shown by Louis Gottschalk in his "Lafayette Comes to America." Dr. Gottschalk plays havoc with the legendary Lafayette material, though I believe that his interpretation of some of his discoveries is over-rigid. Lafayette, whether he loved liberty before he went to America or after, whether his motives in going were just what he afterward thought them or not, continues to shine as a man of unshakable courage and integrity in his lifelong devotion to an ideal. These traits, indeed, often saved him from the results of his extraordinary political naivete, which forbade him to join forces with such men as Mirabeau and Danton because he disapproved of their characters, and led to his being duped, with such appalling inevitability, by every reigning Bourbon. The flawlessness of his idealistic logic was the great flaw of his career as a French patriot. Too perfect for this world, it was no substitute for astuteness, and the belief that a monarch must keep his word could not produce a constitution. One further factor is pointed out by Gottschalk—Lafayette wrote copious memoirs, and his romanticized conception of himself has been the basis of most biographies.

Mr. Latzko accepts the older version of Lafayette's youthful idealism, while fully recognizing the peculiar limitations which caused this true friend of liberty at times to risk his head in bold defiance of absolutism, at times to appear to be its supporter, with the result that he incurred the bitter enmity of both factions. It is one of the most ironic of the many paradoxes of his life that he was immured for five years in Austrian and Prussian fortresses as a dangerous revolutionary while the Revolution would have none of him, and his wife, who shared his political views, barely escaped the guillotine to which her mother, grandmother, and sister succumbed.

It would be impossible for a professional writer of ability to narrate the life of Lafayette without contributing many pages of great interest, and there are many such in this book. It suffers as a whole from a disproportion in its parts; the narrative occasionally becomes bogged in political morasses. The style is sometimes unbearably flowery, with its appeal to abstractions apparently brooding over the life of our hero, its overemphasis on the dramatic and coincidental, its trite generalizations. To the author's credit he achieves an apparent impartiality, though one feels the struggle between his admiration and his judgment. He draws no formal conclusions, but he constantly implies them, and the final impression he gives of his subject is the true one of a romantic idealist, a "Don Quixote of constitutional liberty" whose sterling courage and truth were repeatedly betrayed by his credulousness, his respect for legality, and his lack of statesmanship.

CLARA GRUENING STILLMAN

Subtle Artificer

Poems. By Robert Fitzgerald. Arrow Editions. $2.

"CRAFTSMAN" is by a shade too earthy a word for Mr. Fitzgerald; "artificer," which suggests the silversmith, the lace-maker, and the illusionist, is better. His first volume reveals a technique that is not equaled in subtlety and polish by any other of our younger poets. The magic of these poems springs from precision in the descriptive use of language, brilliance and intricacy of metaphor, and a mastery of elaborate patterns of sound.

Although this is not poetry that quickly yields all its treasures, the reader may well be convinced that here is a genuine and fresh talent when he comes upon lines like: "A clock's exquisite hands repose and wait"; "Leopards are in the city sniffing at corners"; and "The bells are swallowed gently underground." Mr. Fitzgerald can write a simple melodic line; he also achieves a denser and more complex type of musical progression which, until a more exact word is found, can be described as counterpoint. The use of this term has given offense, and understandably, for poetry is in an obvious sense unidimensional and homophonic, whereas music can have two dimensions and many voices. Yet such lines as these have an effect not vastly dissimilar to the interplay of subjects in polyphonic music:

> Reflecting remote swords, chilled in the calm
> And liquid darkness, lights on the esplanade
> Prolong the night's edge downward all night long.

The syllable "re," after being twice stated, is modulated, by means of the closely following "o" in "remote," to become "or" in "swords," shaded to "ar" in "darkness," and inverted to "ro," which, by substitution of the related liquid consonant, becomes "lo" in the same word, "prolong"; and after a hint at the vowel in "down" the motif ends with a repetition of "ar" and "lo." Against this theme with variations is set another voice, running through the syllables "le," "ill," "li," "ligh," "nigh," and "nigh," with incidental embroidery such as the play of the palatals "ch" and "c" with the "l" in "chilled" and "calm." The versions of the two subjects are, of course, developed successively; nevertheless, the effect is partly one of concurrence as well as of alternation, for these reasons: first, the subjects are briefer than the usual musical subject and consequently can be more readily embraced within the "specious present" than is the case with two successively stated musical themes; secondly, there are cross-references and coincidences through the common use by the two themes of the consonant "l." If still a third motif is distinguished, consisting of the changes upon the vowel "a," this has references

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to the first theme. This analysis, tedious though it may be, is something of a simplification, and of course the passage can be dissected into different sets of units; it indicates, however, the skill, perhaps at times unconscious, with which the poet has woven his illusions.

The imagery in the foregoing passage, complicated as it is, can be grasped without great effort. Mr. Fitzgerald's metaphors are not always so successful:

> A man walks, morose and beautiful
> In his own mist, the taste of refuse
> Of night like powder fallen in the street.

After some puzzling, it appears probable that the comparison between "refuse" and "powder" must consist in the facts that both are "fallen in the street" and that the refuse is palely tinted by the dawn; at first reading, however, one is more likely to take it that the two are alike in their "taste," with the resultant protest that one does not taste powder fallen in the street, or that, if one does, this is an unwarrantable instance of elucidating the familiar by the unfamiliar. The ambiguity lingers even when the passage is understood, and is an unpleasant example of one of Mr. Empson's seven types; together with the perverse syntax, it exemplifies one of the pitfalls into which Mr. Fitzgerald is inclined to stumble. It was not until about the twelfth reading that I thought I was able to understand the poem beginning "Death under the fingernails is unreal," and the false scents which I followed still interfere with my enjoyment of the poem.

This poetry has both the merits and the limitations of a mind that seems to be an isolated and a highly introspective one. Its materials are derived from personal experience and from an erudition that consists mainly of imaginative literature, with some fragments of scholastic metaphysics. Each poem opens

> Doors upon interior data, shines
> Engravings of antiquity . . .

One finds nevertheless, if not a contemporary intellect, at least a contemporary sensibility. Mr. Fitzgerald is perfectly at home in modern streets, and usually unruffled by them. The last poem in the volume, however, reveals an awareness, and along with it an emotional depth, for which the preceding poems have hardly prepared us. The poet comes down from his tower to stand

> Under the flares and premonition of rifles:
> The presses humming on the looms of night,
> And news-sheets crumpled, howling in an alley
> Of evil rising in the shade of war,
> Such evil as in our time lives under us
> Dissolving shining things . . . dissolving
> The young men on their benches into death. . . .

Consequently this volume gives, along with old ways reverently and delicately trodden, promise of new departures.

PHILIP BLAIR RICE

Judging the Judges

Lawless Judges. By Louis P. Goldberg and Eleanor Levenson. With an Introduction by Morris R. Cohen. The Rand School Press. $2.50.

ABOUT five years ago Ernest Jerome Hopkins published a book called "Our Lawless Police." There now appears a companion volume, "Lawless Judges," which makes even more melancholy reading, for while we have almost come to expect that cops shall not be too scrupulous about legal proprieties, we have a convention that judges are impartial oracles of the law, and the present rehearsal of the conduct of judges with reference to labor disputes, civil liberties, and the review of constitutional issues does not seem to jibe well with that ideal. It is beginning to be realized that our judges have become virtually the dictators of our political life. Yet the present attack upon their prerogative is surprisingly ineffective. Indeed, it is extremely muddled and even a little naive.

Professor Cohen in his Introduction hints at the reason when he takes issue with the authors for denouncing many Supreme Court decisions as "lawless." The phraseology of the Constitution is so vague that it is usually pointless to appeal to its language. Thus while an opinion of the land's highest tribunal may be socially vicious, it is not necessarily lawless. But the same type of weakness is inherent in any argument concerning judicial "misinterpretations" of statutes. In such cases we are in the habit of speaking of the perversion of the legislative intention. But do several hundred men engaged in making laws really have a single intention? Moreover, the legislators may intend one thing and say another, and in that case the judges must violate either their intention or their specific command.

Wading in the quagmires of legislative intentions, the authors, for example, denounce the Supreme Court's application of the Sherman Act to labor. But the fault here was as much that of Congress as of the court. In his recent study of labor and the Sherman Act, Berman, after a careful survey of the evidence, is driven to conclude that while the intention of Congress was not to make the act apply to trade unions, it did use language which was susceptible of such an interpretation. Congress has itself too often been guilty of selling gold bricks to American labor to be taken as a model of purity of intention. Incidentally, in commenting on the subsequent perversion of the remedial Clayton Act, the authors indulge in a remarkable non sequitur: "Once more," they say, "the intention of Congress was unmistakable. It was to be, in the words of Gompers, 'labor's Magna Charta.'"

The authors are thus throughout engaged in legal quibbling. They have really centered the issue upon the extremely treacherous question, What is law?—which a lawyer would be hard put to answer even for a fee. Without insisting that legal rules and principles have no reality in relation to the judicial process, the fact still remains that in practice the law is usually far from definite and certain. Despite the fact that they are Socialists, and hence presumably Marxists, the authors really share the basic assumptions of the system which they are attacking. They believe apparently in the separation of powers. The legislators enact the law, and the judges need merely interpret it. However, the will of the legislators, who are full of benevolence, is perverted by the judges, who are villains. But it is hardly necessary to appeal to judicial decision to exhibit the economic bias of the legal system. It was Marx himself who once commented on the irony of speaking of impartial judges when the law itself is partial. Shall we speak of lawless legislators? The authors achieve the heights of absurdity when they complain of the manner in which judges have administered our laws aaginst criminal syndicalism, anarchy, and sedition.

"Lawless Judges" is almost entirely a case study. The cases are typical enough, but the general problems they pose are left untouched. This is nowhere better illustrated than in the authors' final brief recommendation of remedies. They wish to introduce the judicial recall although they themselves point out that it has not worked in the states where it has been tried. They want judges impeached although they know that such procedure is cumbersome and rare. This alone would seem to show that the lawgivers do not look with displeasure on the activities of the judges. Finally they want to deprive all courts of the power to declare our laws unconstitutional. Perhaps this would help somewhat. Yet even then would democracy and justice triumph?

WILLIAM SEAGLE

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Scotsman, Georgian, Cosmopolite

Never Say Die. By John Paton. Longmans, Green and Company. $2.50.

Unending Battle. By H. C. Armstrong. Harper and Brothers. $3.

The Way of a Transgressor. By Negley Farson. Harcourt, Brace and Company. $3.

JOHN PATON traces his life from his birth in a Scottish slum until that day in his thirty-third year when he gave up proprietorship in a beauty shop to become a "professional agitator." In a series of balanced, carefully selected chapters Paton recalls his childhood days in Aberdeen, his meager schooling, his first job as a printer's devil in his thirteenth year, and then twenty years up and down Scotland as barber, baker, milkman, salesman of false teeth, and beauty-shop expert. But these details of a "proletarian pilgrimage," although sharply spiced with minor personal tragedies and a rare kind of dry, understanding humor, are only background for a mental development that was to make Paton a prominent member of the labor movement that produced Keir Hardie, Ramsay MacDonald, Snowden, and Maxton. For Paton, as he was compelled to turn from trade to trade, found support in each for his belief that under capitalism the entrepreneur only survives by cheating the consumer and victimizing his workers.

Even while the iron circumstance of poverty forced him to serve the purposes of Glasgow barbers and their fake rituals, milk concerns using short measures, and false-teeth makers with a really dangerous quackery, he was probing to the roots of these evils, turning to socialism and for a time even to anarchism. They stirred him to self-education and finally to complete devotion to the "movement." It was an avocation that developed into a life motive, an advocacy that earned him ostracism and blacklisting but recompensed him with a vivid purpose.

Paton's style, although efficient, is undistinguished, and occasionally too formal for the more robust and colorful aspects of the life he deals with. He includes several very interesting, if essentially anecdotal, portraits of Labor Party leaders. But the value of the book is in its picture of a man to whom a movement like early Scottish socialism, with its crusading, pamphleteering, soap-box vigor, its stubborn struggle against misrepresentation, mass apathy, and an infinity of lost elections, can become food and drink, better than sleep, the rival of his love.

As clearly motivated, to be sure, was the life of Leo Keresselidze, Georgian rebel leader, guerrilla, conspirator, and super-patriot. Mature it was not, for, if we may trust his biographer, General Keresselidze for the first forty-odd years of his life was almost exclusively engaged in murdering Russians—Czarist, white, and red indiscriminately—to satisfy what seems to have been a rather elementary lust for physical danger. Luckily this passion coincided with the struggle of Caucasian Georgia, his native state, for freedom from Russian domination. "Unending Battle," as biography, is too unrelieved a record of innumerable hairbreadth escapes, ambushes, banditry, exile-plotting, gun-running, and very successful assassination. Mr. Armstrong's imaginative reconstruction and embellishment of these happenings round out the account but make it taste unpleasantly like high-pressure adventure fiction.

"The Way of a Transgressor" is more difficult to deal with, not because of any profundity but simply because Farson has done too many things, and too many things without clear motive, to be able to tell his story in any orderly or connected way. His book contains literally hundreds of episodes and anecdotes from the experiences of a fishing, sailing New Jersey boy who became a famous college athlete, an engineer in England, spent years in Czarist Russia bribing his way into orders for war goods, served with the Royal Flying Corps in Egypt, lay in the hospitals of several nations, went native in British Columbia, returned to sensational auto-sales promoting, sailed 3,600 miles through Europe in a small boat, and then for ten years as a foreign correspondent dashed around to the trouble centers of a dozen countries. Add to this a refrain consisting of Russian women, heavy drinking, every variety of fishing, sailing, and sudden world-spanning journey, and you have a fair idea of this man's autobiography. He selects; but arbitrarily, without even suggesting the criteria for selection; and coherence consequently suffers at every turn.

Nor does there seem to be spiritual unity beneath the surface. Paton was a Socialist; Keresselidze a fighter for freedom; Farson, as the blurb suggests, "an amateur of life." His was an extrovert's unremitting flirtation with experience. He is not, to be sure, a Halliburton, for he seems to have found as much excitement in clinching a big business deal as in stunt-flying over the Pyramids. Only in the last section when, as special correspondent, he digs up adventures in Andalusia, Norway, and elsewhere, does the stuff of living become the concocted material of travelogues.

Nor is there too much consistency in opinion. In the long sections on Russia his laments for the passing of Czarist court life clash with his admiration for the new vitality of the Soviet masses; and his praises of communism show a strange admixture of contemptuous reference to its followers. He embraces John Reed and empedestals Lenin, but supports every white Russian he meets, and on one occasion is quite ready to join Denikin. In the end it amounts to what may charitably be called confusion.

All this does not alter the fact that "The Way of a Transgressor" contains a great many bizarre and a few fascinating or amazing reminiscences, and a concentrated if fragmentary vision of diverse aspects of European life since 1914. Stylistically Farson courts brevity, understatement, and a certain colloquial ease—all familiar to journalism—and these sometimes betray him into abruptness, omission, or a disagreeable combination of raciness and journalese.

MILTON RUGOFF

The Esoteric Science

Money. By Edwin Walter Kemmerer. The Macmillan Company. $3.50.

MONEY, like medicine, is a science of which everyone possesses a smattering of knowledge. The two are also alike in that each breeds a vigorous crop of amateurs who are certain that their home-made remedies are superior to those proposed by professionals. To a certain extent the learned men of the respective professions are responsible for this state of affairs, since they have more or less consciously developed a language understandable only to initiates. In recent years the error of this course has become apparent, at least to the economists; and they are now making a deliberate effort to educate the public in the fundamentals of the science.

Dr. Kemmerer's latest book is not a primer for the women of the Thursday Afternoon Circle who ask for "something that will tell me all about money." "Kemmerer on Money," an earlier book, was an attempt to reach the none-too-bright public. The present volume is intended to present the basic prin-

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ciples of monetary science to those possessing some background in economics. Together with a second volume, scheduled to appear shortly, which will deal chiefly with banking, it should equip the educated layman with an adequate picture of the essential problems in the field.

Taken as a whole the book is as non-controversial as any discussion of money could possibly be in a period when its fundamental principles are in a state of flux. While the author's conservative bias is manifest in the selection of material, emphasis is placed on historical developments rather than on theory. The latter half of the book is given over entirely to a series of "case" studies covering a few of the leading experiments in heterodox monetary practice. Readers who are concerned about the possible effects of inflation in this country will be particularly interested in the chapters on the French assignats, the American greenbacks, and the German inflation. These sections should be required reading for Father Coughlin, and for certain of the "silver" Senators.

Yet despite his objectivity Dr. Kemmerer evidently looks upon the international gold standard as the most satisfactory monetary system. While his failure to stress the factors leading to the wholesale abandonment of gold during the past five years may merely indicate that this subject is deferred to the second volume, the amount of space devoted to gold and the terrible disasters which befell the countries which deserted gold suggest a tenacious loyalty to the prescription that he handed out to the thirteen governments which he served as financial adviser. The fundamental instability of gold as a standard of value and the tremendous social cost of seeking to maintain a rigid standard during times of stress receive scant treatment.

But perhaps the chief defect of the book as a guide for the layman is its failure to consider the problem of money in the larger setting of present-day economic developments. Money, after all, is little more than a device for facilitating the basic process of production and exchange. It has no independent function apart from that process. Dr. Kemmerer shows this very clearly when he discusses the limited uses of money in a primitive economy. He does not, however, show as clearly as he might how the gold standard was ideally adapted to the particular stage of laissez faire capitalism which existed prior to the World War. And there is scarcely a hint of the monetary problems created by the growing rigidities in that system, much less of those which are bound to be associated with the gradual development of a planned economy. It may be that he has merely deferred this analysis to his forthcoming volume, but from the standpoint of good pedagogy, one feels that there should have been at least some recognition of the dynamics of the science in the present book.

MAXWELL S. STEWART

Shorter Notices

If I Have Four Apples. By Josephine Lawrence. Frederick A. Stokes Company. $2.50.

Only the captious will take exception to Miss Lawrence's general contention here: two apples and two apples make four apples, and apples are not alligator pears. Nor does Miss Lawrence's insistence on this point come at all impertinently at a time when families like the Penter Hoes are congesting relief efforts throughout the nation, for no better cause than an error in simple addition. It is problematical, however, whether an unbalanced budget can in itself sustain the weight of a full-length novel—especially when, as in the present case, the issue is five times restated in terms of each of the five members of the Hoe household. When first defined in the opening chapters, the thesis is not without force and relevancy. There will be many who will discover in the fortunes of the Penter Hoes a counterpart of their own domestic dilemmas, and perhaps even a solution for these difficulties. But unless the reader is more than ordinarily absorbed in matters of budgetary readjustment, or is willing to accept the romantic stock in trade incidental to love amid the suburbs, Miss Lawrence's good intentions are likely to fall short of their mark through excess and overstatement. Miss Lawrence has a message to convey, and like all good proselytizers, she preaches by text and parable. It would be supererogatory to suggest that she has not given evidence here either of authentic acquaintance with the family of which she writes, or of an entirely genuine concern in their difficulties. Yet it is only by the very baldest effort of will that she manages to project the portraits of the family group, individually or as a composite. The book as a whole is written with great nervous tension. The author is continually betraying a damaging lack of rapport by magnifying simple reactions to simple situations to the point of grotesqueness. Miss Lawrence might have taken a lesson in repose from "Vanity Fair," where, in a handful of pages, Thackeray advised his nineteenth-century reader on how it might be possible for the resourceful to live as well as you please "on nothing a year."

Unsolved Problems of Science. By A. W. Haslett. The Macmillan Company. $2.

This book is a progress report of the attempt to unravel cosmic crimes committed in dim antiquity, with the fingerprints of the criminals almost obliterated and much of the evidence permanently destroyed. With a simplicity of language and a directness of approach that are far too often missing from popular scientific books, the author depicts the frontiers of science. The riddle of the origin of the universe and the various theories to explain it are stated so clearly and linked together so well that the reader will never realize how many data have been digested to present this simple picture. Other topics dealt with are methods of weather forecasting, the origin of man, the biological significance of sex, and atomic structure, to mention only a few. It all makes fascinating reading.

Poems, 1935. By F. L. Lucas. The Macmillan Company. $1.75.

Among readers of English periodicals Mr. Lucas is widely known as the author of accomplished occasional verse of a satirical or mildly philosophical nature, and as a delicate translator from the classics and from the French. Introducing the present collection he rather archly invites comparison with past poets, hinting that the modern critic will find "Poems, 1935" an odd title, imagining 1835 to be nearer the mark. He clearly shows that his idea of tradition in literature is the production of negative, inoffensive filigree; he has no truck with Eliot's plea for assimilation or Day Lewis's conceit about "dead creators packed in close fiber." But his fable on the Reichstag trial has the touch of La Fontaine; his epigrams on Nazi Germany are the protest of a genuinely disillusioned liberalism:

> In former, less enlightened ages
> Men kept parrots shut in cages.
> But times progress: in cage and pen
> Parrots now imprison men.

Sick at heart, Mr. Lucas finds comfort in wearing it upon his sleeve, where it becomes not sick but stoic. "A smile of scorn" figures in the epitaph he would choose for himself. In his preface the author turns peevishly on his contemporaries, lashing out at "modern" poetry indiscriminately but with a febrile malice unsupported by alternative suggestions or by his own slight contributions. He is unwise to play the *enfant terrible,* for when time sifts out the best poems of "nibblers of moulded quips," the choicest epigrams and translations of Mr. Lucas may, with luck, survive with them.

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Drama

The Follies Must Go On

WHEN the Shuberts undertook to maintain the tradition of the "Ziegfeld Follies" they actually succeeded in keeping alive something more than the name, and the edition now current at the Winter Garden is no unworthy successor to those which the great glorifier supervised. Fanny Brice herself is a noble tradition which goes back to 1916, and if the splendiferous Urban is no more, Vincente Minnelli (who also made the sets for "At Home Abroad") has created a style no less effective for being considerably less flamboyant. Fashions change and the Follies change with them, but to those expert in such matters there is at least a shade of continuous difference between the annual exhibitions staged by Mr. Ziegfeld's institution and the annual editions of other standard revues.

Mr. Ziegfeld, I suspect, owed his preeminence to the fact that he never forgot the good old rule: "Nothing succeeds like excess." He realized that conspicuous expenditure was one of the charms of the revue, and, indeed, legend has it that he used to discard fabulously expensive scenes just to prove to himself that he didn't give a hang for cost. But of course this wastefulness proved to be good business in the end. It gave his customers the feeling that nothing was too good—or at least too expensive—for them, and extravagance became the cachet of his style. Even if one was bored—as in truth one not infrequently was—one felt at least that money was being spent and that nothing was skimped. The rule was to open with at least an hour more of spectacle than could possibly be presented in subsequent performances and, even after drastic eliminations, to leave at least half a dozen more girls in every scene than were really necessary to fill out the picture.

One reason why the revived "Follies" seems a real continuation is just that a good deal of this lavishness is maintained. But that is not all. Miss Brice is certainly one of the two or three really inspired comedians of the revue stage. She distils the absolute quintessence of vulgarity, but she is not herself vulgar for the simple reason that her performance is so obviously art rather than nature. What she may have been in that distant past when she began her career by appearing on an amateur night at a Brooklyn theater I do not know. Perhaps then she was funnier than she intended to be. But by now she is a consummate actress whose raucous vulgarity has been transmuted into satire.

If no other performer in the show has anything like Miss Brice's distinction, at least there are four or five others who do more or less conventional things with more than conventional expertness. Cherry and June Preusser are very youthful dancers with a style of their own; Harriet Hoctor performs at least one interpretative dance—Night Flight—of unusual charm; and Josephine Baker exhibits her very limited repertory of orgiastic contortions. Next to Miss Brice, however, the real star of the evening is an extraordinary juggler named Stan Kavanagh, who uses only the simplest of accessories with such unbelievable skill that his one appearance very nearly stopped the show.

Perhaps it should be added that the reanimated Follies are also like the earlier editions in one unfortunate particular. However good individual scenes may be, there is little spontaneity in the whole. One never quite escapes the feeling that entertaining the public on this lavish scale is a serious business. But of course one can't have everything, and if the producers feel the weight of their responsibilities, that is only to be expected.

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Films

Charlie Chaplin

THE great audience which had pushed into the Rivoli by nine o'clock on the morning of February 6 was there not so much to see "Modern Times" as to see the most famous actor in the world, and possibly the most famous man. A classic was on view, and there was every disposition not to be disappointed. Evidences of familiarity with the Chaplin tradition were constantly making themselves heard and felt. When Charlie put on roller skates in the department store, when he presented himself for a job as waiter in the cabaret where of course there were two kitchen doors marked "In" and "Out," whenever he had a corner to get around, and whenever a policeman was waiting for him around this corner, the audience showed by all the ancient signs that it knew what was coming. And what should have come did come. Charlie Chaplin was not disappointing. He was exactly as good as he had ever been before, and all of him was there; which is a way of saying that "Modern Times" is one of the most interesting spectacles to be seen in America today.

He has changed very little. His appearance has not changed at all—derby, mustache, eyes, mouth, pants, shoes, and walking stick are just the same. He has brought with him some of the old actors of Mack Sennett's day, notably Chester Conklin with his walrus mustache. He exploits the identical situations of five, ten, fifteen, twenty years ago, making familiar use of policemen, water hydrants, the waiter's tray, and the custard pie. His eye for persons and institutions to be parodied has not lost a single beam of its quickness; if the football game with a roast duck reminds anyone of Harpo Marx's baseball game in "A Night at the Opera," it should be remembered who came first in this genre; and if there has ever been a finer piece of fooling than the scene in the bathing suit I think I must have missed it. But more impressive still, he has continued to hold out against dialogue. The manager of the factory where Charlie works does, to be sure, give a few orders with his own voice—through a glass screen, by television; and Charlie goes so far on one occasion as to sing a song—in no language that may be identified, though it seems to represent a merger of French, Italian, and Rumanian. Beyond these heresies we hear nothing but mechanical noise; phonographs speak for salesmen, sirens indicate the approach of the law, and incidental music (composed by Chaplin himself) suggest the tenor of such remarks as the actors address to one another. The rest is pantomime, with Chaplin always the central figure and with nothing to inspire the wish in us to hear the words he obviously has no need for.

Chaplin has not changed. The little monkey who without seeming to know that he does so, or without wanting to belittle anybody or anything, makes a monkey out of the entire world still expresses himself, I think, in terms of the purest, the most disinterested comedy. The rumors and the advance assurances that he had this time taken sides in the class struggle—and taken, naturally, the right side—were not borne out by anything I saw with my own eyes. The girl waif with whom Charlie casts his lot is the orphan of an unemployed man shot down by the police, and as such she unquestionably has our sympathy. But then it is by the most grotesque of accidents that Charlie leads a labor parade; the red flag he waves is a rag of warning which a truck has jolted loose from its projecting cargo; and the well-meaning hero, waving it for the truck-driver to see, never knows that a column of demonstrators has marched up behind him and fallen in step.

Not that Chaplin is making fun of labor demonstrations; he is simply using one to further his own comic purposes. What he believes as a citizen seems to have nothing whatever to do with the way he behaves here. There is nothing that is not funny for him, or that cannot be made so. His line is laughter. And I for one am glad that he has kept to it. The relatively brief portion of "Modern Times" which deals with poor versus rich is as little a worker's tract as "Shoulder Arms" was a pacifist document, or "The Gold Rush" a discussion of the thirst for wealth, or "The Rink" an exposure of roller skating. The film as a whole means no more than Charlie Chaplin means. Nobody has ever been able to say what that is, but by the present showing it is something quite timeless and priceless, and more human than the best of alien words lugged in for definition.

MARK VAN DOREN

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